# SENATE—*Tuesday, June 20, 2000*

The Senate met at 9:10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of history, together we accept the unique role You have given our Nation in the family of nations. We praise You for Your truth spelled out in the Bill of Rights and our Constitution. Help us not to take for granted the freedoms we enjoy. May a fresh burst of praise for Your providential care of our Nation give us renewed patriotism. Keep us close to You and open to each other as we perform the sacred tasks of our work in the Senate today.

Gracious God, thank You for this moment of prayer in which we can affirm our unity. Thank You for giving us all the same calling: to express our love for You by faithful service to our Nation. So much of our time is spent debating differences that we often forget the bond of unity that binds us together. We are one in our belief in You, the ultimate and only Sovereign of this Nation. You are the magnetic and majestic Lord of all who draws us out of pride and self-centeredness to worship You together. We find each other as we praise You with one heart and express our gratitude with one voice. In the unity of the Spirit and the bond of peace. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RESERVATION OF LEADER TIME

THE PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, the leadership time is reserved.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The able acting majority leader is recognized.

## SCHEDULE

Mr. GRASSLEY. Mr. President, I have an announcement on behalf of the leader. Following my statement, the Senate will resume consideration of the Department of Defense authorization bill. Under the order, Senator DODD will be recognized to offer his amendment regarding the Cuba commission, with up to 2 hours of debate. At approximately 11:30 a.m., Senator MURRAY will be recognized to begin debate on her amendment regarding abortion.

As usual, the Senate will recess for the weekly party conferences from 12:30 p.m. to 2:15 p.m. today. At 3:15 p.m., there will be up to four stacked votes, beginning with the Murray amendment, to be followed by the Hatch and Kennedy hate crimes amendment and the Dodd amendment.

I thank my colleagues for their attention.

## MEASURE PLACED ON CALENDAR—S. 2752

Mr. GRASSLEY. Mr. President, on behalf of the leader, I ask for a second reading of the bill that I understand is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2752) to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfers to North Korea, and to prohibit the assumption by the United States Government of liability for nuclear accidents that may occur at nuclear reactors provided to North Korea.

Mr. GRASSLEY. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

Mr. GRASSLEY. I thank the Presiding Officer.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa is recognized to speak for up to 10 minutes.

## BANKRUPTCY REFORM

Mr. GRASSLEY. Mr. President, I rise this morning to speak on the topic of bankruptcy reform. As many of my colleagues may know, Congress is on the verge of enacting fundamental bankruptcy reform. Earlier this year, the Senate passed bankruptcy reform by an overwhelming vote of 83–14. Almost all Republicans voted for the bill and about one-half of the Democrats voted for it as well. Despite this, a tiny minority of Senators are using undemocratic tactics to prevent us from going to conference with the House of Representatives.

As I'm speaking now, the House and Senate have informally agreed on 99 percent of all the issues and have drafted an agreement which has bicameral and bipartisan support. The remaining three issues are sort of side shows, and I'm confident we'll be able to move from the one yard line to the end zone. My remarks this morning relate the agreement we've reached on the core bankruptcy issues and the continuing need for bankruptcy reform.

As I've stated before on the Senate floor, every bankruptcy filed in America creates upward pressure on interest rates and prices for goods and services. The more bankruptcies filed, the greater the upward pressure. I know that some of our more liberal colleagues are trying to stir up opposition to bankruptcy reform by denying this point and saying that tightening bankruptcy laws only helps lenders be more profitable. This just isn't true. Even the Clinton administration's own Treasury Secretary Larry Summers indicated that bankruptcies tend to drive up interest rates. Mr. President, if you believe Secretary Summers, bankruptcies are everyone's problem. Regular hard-working Americans have to pay higher prices for goods and services as a result of bankruptcies. That's a compelling reason for us to enact bankruptcy reform during this Congress.

Of course, any bankruptcy reform bill must preserve a fresh start for people who have been overwhelmed by medical debts or sudden, unforeseen emergencies. That's why the bill that passed the Senate—as well as the final bicameral agreement—allows for the full, 100 percent deductibility of medical expenses. This is according to the nonpartisan, unbiased General Accounting Office. Bankruptcy reform must be fair, and the bicameral agreement on bankruptcy preserves fair access to bankruptcy for people truly in need.

These are good times in our Nation. Thanks to the fiscal discipline initiated by Congress, and the hard work of the American people, we have a balanced budget and budget surplus. Unemployment is low, we have a burgeoning stock market and most Americans are optimistic about the future.

But in the midst of this incredible prosperity, about 1½ million Americans declared bankruptcy in 1998 alone. And in 1999, there were just under 1.4 million bankruptcy filings. To put this in some historical context, since 1990, the rate of personal bankruptcy filings has increased almost 100 percent.

With large numbers of bankruptcies occurring at a time when Americans are earning more than ever, the only logical conclusion is that some people

are using bankruptcy as an easy out. The basic policy question we have to answer is this: Should people with means who declare bankruptcy be required to pay at least some of their debts or non? Right now, the current bankruptcy system is oblivious to the financial condition of someone asking to be excused from paying his debts. The richest captain of industry could walk into a bankruptcy court tomorrow and walk out with his debts erased. And, as I described earlier, the rest of America will pay higher prices for goods and services as a result.

I would ask my liberal friends to think about that for a second. If we had no bankruptcy system at all, and we were starting from scratch, would we design a system that lets the rich walk away from their debts and shift the costs to society at large, including the poor and the middle class? That wouldn't be fair. But that's exactly the system we have now. Fundamental bankruptcy reform is clearly in order.

Mr. President, I want my colleagues to know that the bicameral agreement preserves the Torricelli-Grassley amendment to require credit card companies to give consumers meaningful information about minimum payments on credit cards. Consumers will be warned against making only minimum payments, and there will be an example to drive this point home. As with the Senate-passed bill, the bicameral agreement will give consumers a toll-free phone number to call where they can get information about how long it will take to pay off their own credit card balances if they make only the minimum payments. This new information will truly educate consumers and improve the financial literacy of millions of American consumers.

The bicameral agreement also makes chapter 12 of the Bankruptcy Code permanent. This means that America's family farms are guaranteed the ability to reorganize as our farm economy continues to be weak. As we all know from our recent debate on emergency farm aid, while prices have rebounded somewhat, farmers in my home State of Iowa and across the Nation are getting some of the lowest prices every for pork, corn, and soybeans. And fuel prices have shot up through the roof. The bicameral agreement broadens the definition of ''family farmer'' and permits farmers in chapter 12 to avoid crushing capital gains taxes when selling farm assets to generate cash flow. It would be highly irresponsible of my liberal friends to continue blocking bankruptcy protections for our family farmers in this time of need.

The bicameral agreement is solidly bi-partisan and will pass by a huge margin when it comes up for a vote. The bill is fair and contains some of the broadest consumer protections of any legislation passed in the last decade. So, how can any person possibly argue against a bill which strengthens consumer protections while cracking down on abuses by the well-to-do?

The tiny handful of fringe radicals who oppose bankruptcy reform have waged a disinformation campaign worthy of a Soviet Commissar. A recent article in Time Magazine is a case in point. This article purports to prove that bankruptcy reform will harm low-income people or people with huge medical bills. This article is simply false.

What's most interesting about this Time article is what it fails to report. Time, for instance, fails to mention that the means test, which sorts people who can repay into repayment plans, doesn't apply to families below the median income for the State in which they live. The Time article then proceeds to give several examples of families who would allegedly be denied the right to liquidate if bankruptcy reform were to pass. Each of these families, however, would not even be subjected to the means test since they earn less than the median income. While this sounds technical, it's important—not even one of the examples in the Time article would be affected by the means test. For the convenience of my colleagues, I have collected the actual bankruptcy petitions of the families referred to in the Time article, and I will provide them to any Senator.

Time fails to mention the massive new consumer protections in our bankruptcy reform bill. Time fails to mention the new disclosure requirements on credit cards regarding interest rates and minimum payments. In short, the Time article fails to tell the whole truth. I think that the American people deserve the whole truth.

The truth is that these bankruptcies represent a clear and present danger to America's small businesses. Growth among small businesses is one of the primary engines of our economic success.

The truth is bankruptcies hurt real people. Sometimes that will be inevitable. But it's not fair to permit people who can repay to skip out on their debts. I think most people, including most of us in Congress, have a basic sense of fairness that tells us bankruptcy reform is needed to restore balance. Let me share what my constituents are telling me.

I ask unanimous consent to have some of their comments printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT REAL PEOPLE ARE SAYING ABOUT BANKRUPTCY REFORM

''The present [bankruptcy laws] are a joke . . . One local man has declared bankruptcy at least four times at the expense of suppliers to him. He just laughs at it . . .''—Washington, Iowa.

''It is way too easy to avoid responsibility.''—Cedar Falls, Iowa.

''If one assumes debt they need to pay it off . . . We've got to take responsibility for our purchases!''—Independence, Iowa.

''Too many people use bankruptcy as an out, we need to make sure people are held accountable for all their debts.''—Harlan, Iowa.

''Personal responsibility is a must in our country . . . Sickness or loss of a job is one thing, but the majority of people just don't pay, but spend their money elsewhere knowing they can unload the debt with the help of the courts.''—Fort Madison, Iowa.

''I think people taking bankruptcy should have to pay the money back . . . They should have learned to work for and pay for what they get.''—Cedar Rapids, Iowa.

''It is insane that such a practice has been allowed to continue, only causing higher prices to the consumer . . . Debtors should be required to repay their debt.''—Des Moines.

''Bankruptcies are out of hand. It's time to make people responsible for their actions—do we need to say this!!!??''—Keokuk, Iowa.

''We need to make people more responsible for their decisions, while at the same time protecting those who fall on hard times. I realize that this is a delicate balance, but the way it is now, there is very little shame in going this route.''—Floyd, Iowa.

''People need to be more responsible for their debts. As a small business owner, I have had to withstand several large bills people have left with me due to poor management and bankruptcy.''—Fontanelle, Iowa.

''Bankruptcy reform will force the American people to become more responsible for their actions, bankruptcy does not seem to carry any degree of shame; it is almost regarded as a right or entitlement.''—Cedar Rapids, Iowa.

''Many don't think the business is who loses. We make it too easy now.''—Waverly, Iowa.

Mr. GRASSLEY. Mr. President, bankruptcy reform will happen. Our cause is right and just, and average Americans are strongly supportive of restoring fairness to the bankruptcy system.

I am going to yield the floor now. Before I do, I thank Senator BIDEN, who is next to speak on this subject. If it had not been for Senator BIDEN working with us in a bipartisan way to get bankruptcy reform, it would never have passed by the wide margin of 84–13. He is a sincere person working on this. He has contributed immensely to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 10 minutes.

Mr. BIDEN. Mr. President, let me begin by thanking my colleague from Iowa. He and I have worked together on a lot of issues. We tend to approach issues from a slightly different perspective but often end up in the same place, and that is the case here.

My concern in the reform of the bankruptcy code was not as much driven by those who were avoiding debt as his was but about making sure the overall consumer is protected. When people avoid debts they can pay, it is a simple proposition: My mother living on Social Security pays more at the department store to purchase something,

my sons, who are beginning their careers, and my daughter pay more on their credit card bill because someone else does not pay.

In recent days, a number of my colleagues have brought the Time magazine article to my attention and to the attention of the Senator from Iowa and others. If you took a look at the Time magazine article and read it thoroughly, you would think we were about to tread on the downtrodden, deserving Americans who are about to be, and I quote from the article, ''soaked by the Congress.'' My colleagues have pointed this out to me. They find it a very disturbing article. It tells a tale of corruption and greed and heartlessness, claims that hard-working, honest, American families are about to be cut off from the fresh start promised by the bankruptcy code, and that lenders, who have driven these families into economic distress, are about to kick them when they are down.

Most shocking in the article, perhaps, from my perspective, is the claim that the U.S. Congress, by passing the bankruptcy reform legislation which passed out of here overwhelmingly, will make all this happen. As I said, it is a very disturbing article. It is hard to see how anyone, in my view, could vote for bankruptcy reform if, in fact, the essence of the article were true. But I remind my colleagues that bankruptcy reform legislation, not this imaginary legislation described in the article, passed the House by a vote of 313–108, and the Senate by 84–13. So this article claims a vast majority of both our parties in both Houses of Congress are conspirators in an alleged plot to hit those who are down on their luck.

The problem with this portrayal is the bankruptcy reform bill now in conference is the antithesis of what they have said. Their article is simply dead wrong. I do not ever recall coming to the floor of the Senate in my 28 years and saying unequivocally: One of the most respected periodicals and magazines in the country, with a major article, is simply dead, flat, absolutely wrong. I don't recall ever being compelled to do that or being inclined to do that.

I will make one admission at the outset. It is the intent of the bankruptcy reform to tighten the bankruptcy system; that is true, to assure that those who have the ability to pay do not walk away from their legal debts. The explosion of bankruptcy in the early and mid-1990s revealed a problem with our system and the reform legislation is a response to that by the strong bipartisan vote of both Houses.

I am more on that liberal side, as my friend from Iowa talks about. I admire his pride that everybody should pay their debts, and I think they should.

I am more inclined to let someone go than to hold them tightly. I admit that part. But I came here with this reform legislation because all these bankruptcies are causing debts to be driven up by other people. Interest rates go up on credit cards, not that credit card companies do not like high interest rates anyway. Interest rates go up on automobile loans. Interest rates go up all over the board. The cost of borrowing money goes up when people who can pay do not pay. It means innocent middle-class people and poor folks end up paying more.

Yes, bankruptcy reform is intended to require more repayment by those who can afford it, more complete and verified documentation, and to generally discourage unnecessary and unwarranted filings. When the bankruptcy system is manipulated by those who can afford to pay, we all pay.

This article claims that bankruptcy reform legislation is driven solely by the greed of lenders, that abuse of the bankruptcy code is a myth created by those who want to wring more money out of those who do not have more money. That is not the position of the Justice Department.

I ask unanimous consent that a document entitled ''U.S. Trustee Program'' be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BIDEN. Mr. President, back to the Time article. One would think there was no reason to tighten up the current system, that those of us who support bankruptcy reform—a large bipartisan majority—had lost our hearts, our souls, and possibly our minds. Some folks might find that easy to believe, but if they simply compare the language of the legislation to the case studies in the article, they will find that in virtually every significant claim and detail, the charges leveled against this reform legislation are not true. They are simply false; they are flat wrong; and they are easily and conclusively refuted by a quick look at the facts.

First, a little primer on the bankruptcy code reform. Chapter 7 of the bankruptcy code requires a liquidation of any assets and a payout to as many creditors as possible from the proceeds. Chapter 13 allows the filer to keep a home, a car, and so on, but requires them to enter into a repayment plan. The irony is, chapter 13 was put in to help people from the rigors of chapter 7. I do not have time to go into that, but it is a basic premise that is missed by the article.

The bankruptcy reform legislation that is the cause for such alarm in this article asks a question that I think most Americans would be surprised to learn is never even asked under the present system. The question is: Do you have the ability to pay some of those debts that you want forgiven?

If the answer is yes, then you will have to file for bankruptcy under chapter 13 and have what they call a workout, a repayment plan. No one—I repeat, no one—who needs it would ever, as this article puts it, be denied bankruptcy assistance. That cannot happen now, and it will not happen under this legislation. So it is not the idea you are denied bankruptcy, it is how you file for bankruptcy—under chapter 7 or chapter 13.

Only a few filers of bankruptcy, no more than 10 percent of those now filing under chapter 7—maybe even less—would see any change at all in their status. Those who have demonstrated an ability to pay would be told to file under chapter 13 and would follow the kind of repayment plan their resources would allow.

A key point must be stressed: Chapter 13 is not some kind of debtor's prison. It is a practical solution to the problem of too many creditors chasing a debtor with too few resources. The article suggests that any change in the availability of chapter 7 will be the equivalent of the whip and the lash and the restoration of debtor's prison. The truth is different.

Chapter 13 was added to the bankruptcy code in the 1930s as the more desirable alternative to the draconian liquidation required under chapter 7. It was conceived as the ''wage earner's'' form of bankruptcy, for those who had an income and the ability to pay some of their creditors but who needed protection of the system to keep their creditors from hounding them.

Although this may seem like a quaint notion these days, it was intended to preserve some of the debtor's dignity at a time when bankruptcy carried more of a stigma for some people than it does today.

A profoundly mistaken view of the difference between chapter 7 and chapter 13 is not the most serious flaw in this article. The real impact of this article comes from its stories of hard-working, honest, everyday American families who have fallen on hard times. These are the people who will, according to the article, find the door to a fresh start shut to them.

As disturbing as these stories are, they are all based on a demonstrably false premise. As the Senator from Iowa said, virtually none of the low- to moderate-income working families whose stories were so compellingly told in that article would be touched by the reforms affecting the availability of chapter 7.

That is right. In each and every case, given their income and their circumstances as presented, those families and individuals who were talked about in the article would still be eligible for chapter 7 protection. The central claims about the impact of bankruptcy reform on the families described in this article are flat wrong.

I know a lot of my colleagues have been concerned about these charges,

and I urge them to take a simple test. Compare the financial circumstances of the individuals in the article and the stories that are told with the terms of our bankruptcy legislation. My colleagues will see the claims that these families will be cut off are not true.

They are wrong chiefly because the reform legislation contains what we call a safe harbor which preserves chapter 7, with no questions asked, for anyone earning the median income or less for the region in which they live. This is a protection I sought along with other supporters of bankruptcy reform. It was a key element of the Senate bill, and it has been accepted in conference.

There is even more protection: Those with up to 150 percent of the median income will be subject to only a cursory look at their income and obligations, not a more detailed examination.

These provisions provide that the door to chapter 7 remains open for just the kind of family the article claims will be most hurt.

I will not chronicle all of them, but I ask you to listen to this one story. Of all the cases chronicled in the article, I read most carefully the story of Allen Smith of Wilmington, DE, my hometown. A World War II veteran, he had worked in our Newark, DE, Chrysler plant until the downsizing of the 1980s cost him his job.

Struck by cancer, my constituent from Wilmington, DE, was also hit with the tragedy and expense of his wife's diabetes and then her death. Health care costs drove him deeper and deeper into debt, and he filed for bankruptcy under chapter 13. Further financial troubles led to the failure of his chapter 13 plan, and he was then switched to chapter 7 under which he will lose his home to pay some of his obligations.

I searched in vain to find any relevance of this profound human tragedy to the bankruptcy reform legislation. To the extent it has anything at all to do with the supposed point of the story, Mr. Smith's story is presented to show us someone who is going to lose his home in bankruptcy, because he is now in chapter 7, exactly what the authors previously argued should be the preferred chapter for individuals in his circumstances. His sad story is an argument for catastrophic health insurance, not against bankruptcy reform.

They contrast his case with that of a wealthy individual who uses the protection of the present bankruptcy code by purchasing an expensive home under Florida's unlimited homestead exemption to protect assets from creditors. One would never know it from reading the article, but in the Senate we voted to get rid of that unlimited exemption that now is in the law.

More recently, the conferees have agreed to eliminate precisely the kind of abuse criticized in this article. The article discusses at length a case that has nothing to do with reform but criticizes an abuse that is actually fixed by this reform bill.

There are other profound inconsistencies and factual errors in the article, including the assertion that medical expenses would not be considered in calculating a filer's ability to pay or would not be dischargeable after bankruptcy or that family support payments, such as child support or alimony, would be a lower priority than a credit card debt. None of these assertions is true.

However, without these errors, there would be no article.

In many cases, in terms of the new, additional protections for family support payments and improved procedures for reaffirmations, filers in the kind of circumstances chronicled in the other stories in this article would be better off, not worse off, when this legislation passes.

I know my colleagues have expressed their worries about this article. I truly ask them, look at the language of the legislation, look at the articles that are written, and you will find that, although this is not a perfect bill, that none of the families chronicled in that article would be affected at all except their circumstances improved, if in fact anything was to happen.

I know that my colleagues who have expressed their worries about this article are sincere in their concern about the fairness of bankruptcy reform legislation. I urge them to apply the simple test of fairness to this article, to compare the situations of those families in the article to the actual provisions in the bankruptcy reform legislation. They will find those families's access to the full protection of Chapter 7 unchanged by this bill.

I ask them to do it for themselves: they don't have to take my word for it.

This is not a perfect bill. It is not the even bill that I would have written by myself. But it is a bill that can pass that test.

I thank the Chair and I thank my colleagues assembled on the floor for the additional 4 minutes. I realize it is a tight day and time is of the essence. I appreciate their courtesy.

I yield the floor.

EXHIBIT 1

[Bankruptcy Criminal Cases 1999]

U.S. TRUSTEE PROGRAM

(Criminal Cases: The United States Trustee Program's duties include policing the bankruptcy system for criminal activity, referring suspected criminal cases to the appropriate law enforcement agencies, and assisting in investigating and prosecuting those cases. Some significant bankruptcy-related criminal cases are described here)

1999

ALABAMA

Attorney John C. Coggin III of Birmingham, Ala., was sentenced July 26 to 36 months in prison for conspiracy consisting of bankruptcy fraud, money laundering, and false statements to a federal officer. Coggin hid more than $200,000 that was due to creditors in his bankruptcy case, using a corporation set up for that purpose.

ARIZONA

Bankruptcy petition preparer Richard S. Berry of Tempe, Ariz., was sentenced April 20 in the District of Arizona to six months in prison for criminal contempt of court, after being fined $1 million in 1998 for willfully violating Bankruptcy Court orders. Since January 1997, several court orders addressed Berry's violations of the Bankruptcy Code's provisions regulating bankruptcy petition preparers. The Bankruptcy Fraud Task Force for the District of Arizona sought criminal contempt charges against Berry based on his violation of a January 1997 Bankruptcy Court order limiting his fees.

Lawrence R. Costilow of Tucson pleaded guilty February 19 to two counts of bankruptcy fraud arising from his actions as a creditor in a Chapter 7 bankruptcy case. Costilow loaned $50,820 to a married couple, obtaining an unsecured promissory note in return. After the spouses filed for bankruptcy, Costilow altered the note so it purposed to take a security interest in their property. Costilow recorded the note and later testified in bankruptcy court as to it validity.

CALIFORNIA

Sherwin Seyrafi of Encino, Calif., pleaded guilty December 28 in the District of Arizona to bankruptcy fraud, misuse of a Social Security number, and failure to file a corporate tax return. The counts for bankruptcy fraud and misuse of an SSN arose from Seyrafi's filing of a bankruptcy petition with the knowledge that it contained a false spelling of his name and a false Social Security number.

Judy Scharnhorst Brown, a Spring Valley, Calif., real estate broker, was sentenced Nov. 9 in the Southern District of California to 15 months in custody followed by three years of supervised release and ordered to pay $75,000 in restitution and fines for a bankruptcy fraud and mail fraud scheme. On March 30, a jury convicted Brown on one count of conspiracy, three counts of bankruptcy fraud, and eight counts of mail fraud after a two-week jury trial.

On April 21 a federal jury in Los Angeles convicted Faramarz Taghilou of Castaic, Calif., on two counts of concealing his private airplane in his Chapter 7 bankruptcy case. Taghilou failed to disclose in his bankruptcy documents that he owned a Cessna 310Q insured for $120,000 and was paying monthly leasing fees to have the airplane kept at Van Nuys airport. Additionally, Taghilou's bankruptcy schedule omitted a creditor who had placed a mechanic's lien on the airplane; the debtor paid that creditor two weeks after filing for bankruptcy.

Theresa Marie Thompson-Snow pleaded guilty March 17 in the Central District of California to false representation of a Social Security number and bankruptcy fraud. Through an error, Thompson-Snow obtained loan documents belonging to a college classmate—now an English professor—with a similar name. She subsequently assumed the professor's identity to obtain thousands of dollars in credit, and ultimately filed for bankruptcy in her victim's name.

Tricia Mendoza of Norwalk, Calif., was sentenced Jan. 11 to one year in prison and ordered to pay almost $250,000 in restitution for embezzling from a Chapter 13 trustee operation. Mendoza, who was the trustee office's receptionist, changed names and addresses in the computer system to the name

and address of an accomplice, thereby diverting payments intended for creditors to an address she controlled.

Stephen Martin Zuwala was sentenced June 9 to 57 months in federal prison and 36 months supervised release, and ordered to pay more than $50,500 in restitution, based on his conviction on five counts of mail fraud, three counts of criminal contempt, and four counts of misuse of a Social Security number. Non-lawyer Zuwala contacted individuals facing home foreclosure and offered assistance through ''little-known federal relief programs'' that turned out to be filing for bankruptcy. Zuwala typically charged $500 to $1,000 per case, but disclosed only part of his fees in documents filed with the Bankruptcy Court. All criminal contempt counts arose from Zuwala's violation of a prior judgment obtained by the United States Trustee to permanently enjoin him from preparing bankruptcy documents for filing in the Northern and Eastern Districts of California.

Bankruptcy petition preparers Regina Green and Raymond Zak were sentenced April 15 based on their earlier convictions for criminal contempt and bankruptcy fraud. Because of misconduct, Green and Zak had been ordered by the Bankruptcy Court for the Northern District of California to stop preparing bankruptcy petitions, and they were prosecuted for violating that order. Green was sentenced to seven months in prison for contempt of court and forgery, and Zak was sentenced to six months in a halfway house for bankruptcy fraud. Both defendants were ordered to pay restitution and were barred from acting as bankruptcy petition preparers.

COLORADO

James Francis Cavanaugh pleaded guilty Oct. 8 to bankruptcy fraud in the District of Colorado. When Cavanaugh filed for bankruptcy, he falsely stated that he had sold certain horses from his Colorado horse breeding operation for $10,000, although he had earlier valued the horses at $124,000. He also failed to disclose to the bankruptcy court that he had interests in two bank accounts in Missouri.

FLORIDA

After a jury trial in the Middle District of Florida, certified public accountant Kenneth A. Stoecklin was convicted July 8 for embezzlement from the bankruptcy estate of Chapter 11 debtor Commonweal Inc. and obstruction of the administration of the internal revenue laws. Stoecklin, the controlling corporate officer of Commonweal Inc., transferred substantially all of his assets to the real estate development company in an apparent attempt to avoid an individual income tax liability exceeding $137,000. He subsequently withdrew funds from an account established to provide the government with ''adequate protection'' pending the outcome of tax-related litigation.

Warren D. Johnson Jr. was sentenced June 23 to 97 months imprisonment and ordered to pay more than $5 million restitution after being convicted of bankruptcy fraud, bank fraud, and money laundering. During a June 1998 bond hearing, Johnson testified that he had no interest in stocks or other assets in the Turks and Caicos Island, when he actually held around $25 million worth of stock in a publicly traded company. In addition, Johnson claimed he was indigent and could not pay restitution despite the fact that the controlled more than $10 million in assets placed in the names of family members and off-shore shell corporations. Johnson's bankruptcy convictions resulted from a 1992 bankruptcy case in which he claimed over $7.2 million in debt and no assets, when he actually expected to receive at least $1.2 million in real estate sale profits. Johnson laundered approximately $250,000 of these profits by transferring the funds to his wife and then using them for living expenses. The bank fraud conviction resulted from Johnson's filing false financial statements to obtain a $600,000 loan that he did not repay.

GEORGIA

The District Court for the Northern District of Georgia entered judgment on December 13 against David Alvin Crossman of Atlanta following his guilty plea to one count of filing a false income tax return and one count of bankruptcy fraud. Crossman set up a car leasing scheme under which he created false financial statements and tax returns to lease cars as if he were fleet leasing for a business, and then re-leased the vehicles to individuals with poor credit. In his individual and corporate Chapter 7 bankruptcy cases, he failed to turn over lease payments to the bankruptcy trustees.

Craig D. Butler pleaded guilty Sept. 17 to bankruptcy fraud and income tax evasion. In October 1995, Butler filed a bankruptcy petition in which he made false representations and statements to evade payment of federal income taxes. During the bankruptcy case, Butler, who formerly practiced medicine in Albany, Ga., used funds of his professional corporation to pay his personal expenses and those of his family members, while designating the payments as business-related expenditures.

HAWAII

On December 10 a federal jury in the District of Hawaii found attorney Stacy Moniz of Kaneohe guilty of filing a false income tax return, structuring cash transactions to evade currency reporting requirements, failing to report the receipt of $15,000 cash in the operation of his law office, making false statements to the IRS, and making a false statement under penalty of perjury in a bankruptcy proceeding. The bankruptcy count arose from Moniz's falsely reporting a client to be a creditor in his August 1997 bankruptcy case.

Arthur Kahahawai pleaded guilty Oct. 4 in the District of Hawaii to two counts of bankruptcy fraud. Kahahawai concealed from the bankruptcy trustee and his creditors a $71,517 workers' compensation settlement that he received less than one month before filing for bankruptcy.

Miyoko Mizuno, a/k/a Miyoko Proctor, pleaded guilty in the District of Hawaii Sept. 24 to concealment of assets in her bankruptcy case. The debtor attempted to discharge approximately $185,000 in unsecured debts by filing for Chapter 7 bankruptcy. She listed no interests in real property, when in fact she had deeded to her son a condominium and her residence while retaining a life interest in both properties, which could generate substantial rental income.

Edward O'Kelley, former owner and president of HOJE Construction, was sentenced April 23 in the District of Hawaii to 33 months in prison for bankruptcy fraud (concealment of assets and fraudulent transfer), and money laundering. O'Kelley had been found guilty in a jury trial for his role in putting HOJE Construction into Chapter 7 bankruptcy and hiding its assets in bank accounts in Alaska and Texas. HOJE performed subcontracting work on military projects in Hawaii and Alaska from 1992 through 1995. O'Kelley and HOJE operations manager Harry Jordan conspired to hide more than $450,000, which the bankruptcy trustee recovered.

Harry Jordan pleaded guilty to bankruptcy fraud Feb. 8 in the District of Hawaii; he was sentenced to one year probation with one month home confinement, and ordered to pay $75,000 in restitution. The court took into account that Jordan, the former operations manager of HOJE Construction Inc., cooperated with the United States Attorney and testified against HOJE president Edward O'Kelley, who was found guilty of bankruptcy fraud and money laundering. HOJE performed subcontracting work on military projects in Hawaii and Alaska from 1992 to 1995, when it filed for bankruptcy. More than $450,000 in concealed assets have been recovered.

ILLINOIS

A federal jury in the Northern District of Illinois Oct. 22 convicted Vincent M. Gramarossa on two counts of bankruptcy fraud and eight counts of money laundering. Gramarossa defrauded bankruptcy creditors by skimming more than $580,000 from his business, a State Farm Insurance agency in suburban Chicago. Gramarossa's confirmed Chapter 11 reorganization plan directed that he pay half his profits to creditors, but Gramarossa devised a scheme under which he diverted commissions to conceal approximately one-third of his commissions.

INDIANA

Bankruptcy debtors' attorney David T. Galloway of Porter County, Ind., pleaded guilty April 5 in the Northern District of Indiana to criminal contempt and agreed to resign from the practice of law for three years. Galloway served as counsel for a Chapter 7 debtor who concealed a pending personal injury action from the bankruptcy case trustee. The debtor testified at the Section 341 meeting of creditors that his medical debts resulted from illness. After the Section 341 meeting, the United States Trustee's office in South Bend, Ind., and the case trustee investigated the nature of the medical debts, leading to the discovery of the personal injury lawsuit.

KENTUCKY

Debtors Daniel Caldera and Martha Kay Caldera of Elizabethtown, Ky., were sentenced Oct. 20 in the Western District of Kentucky for bankruptcy fraud. Daniel Caldera pleaded guilty to concealing a $101,295 payment from C&S Carpentry Service Inc.'s bankruptcy estate. He was sentenced to 21 months imprisonment plus two years supervised release, and ordered to pay $11,272 in restitution. Martha Kay Caldera pleaded guilty to filing a bankruptcy petition containing a materially false declaration—that she and/or her spouse did not own an annuity when in fact her spouse did. She was sentenced to 24 months probation, including six months of home incarceration.

LOUISIANA

Former district attorney James A. Norris, Jr. was sentenced June 22 in the Western District of Louisiana to 33 months in prison and three years supervised release, and ordered to pay $490,000 in restitution for bankruptcy fraud. On March 10, a jury found Norris guilty of four counts of making false oaths in a bankruptcy proceeding, in connection with his four statements under oath that he had burned $500,000 cash in his backyard. In 1989, Norris withdrew approximately $500,000 from his law partnership's account in a dispute over business decisions; his former law partners ultimately obtained a court

judgment against him and filed an involuntary bankruptcy petition against him.

Attorney Betty L. Washington was sentenced Jan. 20 in the Eastern District of Louisiana to 33 months in prison, and ordered to pay approximately $5,000 in restitution, based on a jury verdict finding multiple counts of fraud, including bankruptcy fraud. In her Chapter 7 bankruptcy case Washington concealed her right to receive legal fees from a client. Further, as part of a scheme to obtain more than $20,000 in automobile loans, Washington tried to mislead a bank into believing her bankruptcy case had been concluded.

MAINE

On June 8 Catherine Duffy Petit was sentenced in the District Court for the District of Maine to 15 years and eight months in prison and three years supervised release, and ordered to forfeit nearly $164,000 and to pay restitution of nearly $8 million, based on her conviction on 54 counts (reduced by the court from 78) of conspiracy, bankruptcy fraud, securities fraud, and other violations. Petit and co-conspirators had raised almost $7 million—ostensibly for litigation expenses—by selling interests in Petit's state court suit against a bank.

MASSACHUSETTS

On July 8 attorneys Wendy Golenbock and Cheryl B. Stein of Weston, Mass., were each sentenced in the District of Massachusetts to 21 months in jail for bankruptcy fraud. The attorneys attempted to conceal their property interest in a Cape Cod, Mass., vacation home from their bankruptcy trustee and creditors. In March 1999, a jury found them guilty of bankruptcy fraud and conspiracy to commit bankruptcy fraud.

Prosecutors in Boston announced Feb. 9 the settlement of charges filed against Sears, Roebuck & Co. for improper debt collection from Chapter 7 debtors. Sears agreed to pay a $60 million criminal penalty, which is the largest ever paid in a bankruptcy fraud case. The monies will be deposited into the Crime Victims' Fund. Sears already paid over $180 million in restitution and $40 million in civil fines to state attorneys general, in connection with civil settlements in the case.

MINNESOTA

Mark John McGowan of Mound, Minn., was sentenced Sept. 1 to one year in prison and two years of supervised release for bankruptcy fraud and perjury. In his Chapter 7 bankruptcy schedules, McGowan listed a $100,000 house that he claimed exempt as his homestead although he actually rented the house and had no intent to occupy it.

Daniel J. Bubalo of Edina, Minn., was sentenced June 8 to 21 months in prison and ordered to pay $85,000 in restitution following his conviction on two counts of bankruptcy fraud. After Bubalo's bankruptcy case was converted from Chapter 11 to Chapter 7, and without the Chapter 7 trustee's knowledge, Bubalo sold for $70,000 a Duluth, Minn., bar valued at $175,000. He later testified that the property's status had not changed since his case was converted.

MISSOURI

Keith D. Linhardt of Warrenton, Mo., pleaded guilty Feb. 12 in the Eastern District of Missouri to bankruptcy fraud and perjury. Linhardt admitted that he concealed financial accounts as well as his interests as primary beneficiary of seven life insurance policies—totaling more than $1.5 million—on his wife, who died on a camping trip in April 1998. In July 1998, at his Section 341 meeting with creditors, Linhardt testified to the trustee concerning his non-debtor spouse as though she were alive. On January 15, 1999, Linhardt pleaded guilty to second degree murder of his wife and was sentenced to life in prison. He also pleaded guilty to four counts of insurance fraud and was sentenced to 20 years in prison, consecutive to the life sentence.

NEW JERSEY

Michelle A. Pruyn of Medford, N.J., pleaded guilty Oct. 1 in the District of New Jersey to concealing company income from her creditors, the Bankruptcy Court, and the IRS during her Chapter 7 bankruptcy case. Pruyn was the former president and owner of Sigma Acquisition Corp., Televid Media Buying Inc., and other New Jersey-based video production-related companies. She concealed assets worth at least $240,000 from the court and her creditors by failing to disclose her equitable interest in a Pennsauken, N.J., commercial building and the existence of an investment account held in the name of the Cogan Corp., to which she diverted part of the receipts of Sigma and the other companies she owned.

Alexander Alegria of Fords, N.J., pleaded guilty July 21 to filing a false bankruptcy petition. He admitted that he falsely stated his Social Security number on the petition and that he sought to discharge approximately $25,000 in debt he had incurred under the false SSN.

NEVADA

John and Rena Kopystenski of Las Vegas were sentenced on December 2 to 21 months in prison and ordered to pay $67,000 in restitution after pleading guilty in the District of Nevada to bankruptcy fraud, money laundering, and aiding and abetting. The Kopystenskis were principals of debtor Quality Ice Cream Inc., which went through several bankruptcies under different names with essentially the same assets.

NEW YORK

Joseph W. Kennedy Jr. of Rochester, N.Y., was sentenced Nov. 3 to 27 months in prison and three years supervised release, and ordered to pay $235,000 in restitution, based on his conviction on three counts of bankruptcy fraud. Kennedy failed to disclose in his Chapter 7 schedules that he owned one insurance agency and was a 47 percent shareholder and officer in another insurance agency.

Kenneth Stenzel of Queens County, N.Y., was sentenced Aug. 31 in the Eastern District of New York to five years probation and ordered to pay restitution of $5,920 payable to the Chapter 7 trustee, based on his guilty plea to bankruptcy fraud. Stenzel intentionally made a materially false statement by stating in his bankruptcy schedules that he was unemployed, when he was actually earning more than $5,000 a month as a computer programmer.

Garden City, N.Y., attorney Brent Kaufman pleaded guilty July 26 in the Eastern District of New York to two counts of bankruptcy fraud arising from the filing of two false proofs of claim on behalf of a fictitious creditor. Kaufman, an associate with a Chapter 7 bankruptcy trustee's law firm, admitted embezzling $117,000 from five bankruptcy estates.

OHIO

Albert J. DeSantis, formerly of Columbus, Ohio, and Upper Arlington, Ohio, was sentenced August 26 to 51 months imprisonment based on his plea of guilty to charges of bankruptcy fraud, money laundering, and witness tampering. The former Columbus, Ohio, real estate developer filed for Chapter 11 bankruptcy relief but failed to list assets exceeding $920,000 in value, including a residence and a bank account. He also counseled two employees to withhold information from the federal grand jury that was investigating his conduct in the bankruptcy case.

OKLAHOMA

Mary Ann Adams and John Quincy Adams pleaded guilty Sept. 15 to bank fraud in connection with their concealment of more than $90,000 in assets after a bank foreclosed upon their property. The Adamses, who owned an implement company, hid tractor and combine parts, transferred real property, and concealed personal property including certificates of deposits.

Jesse Joseph Maynard and Samuel Bruce Love were convicted Sept. 1 in the Western District of Oklahoma on eight counts arising from the October 1993 bankruptcy filing on behalf of First Assurance & Casualty Co. Ltd. The defendants concealed more than $270,000 in bankruptcy estate assets from the Chapter 7 trustee, and transferred monies from the bankruptcy estate post-petition.

OREGON

Bankruptcy petition preparer Robert Tank pleaded guilty April 9 to criminal contempt of court in the District of Oregon. In 1996, the United States Trustee obtained an order fining Tank approximately $10,000 and prohibiting him from engaging in certain deceptive practices or practicing law in Oregon. Tank violated the order, and the United States Trustee obtained a national permanent injunction against him. Tank continued to prepare bankruptcy petitions, and engaged in a series of violations of various orders.

Former Chapter 11 trustee Thomas G. Marks was sentenced March 15 in the District of Oregon to twelve months plus one day in prison, three years probation, and payment of restitution, for embezzling funds in three Chapter 11 bankruptcy cases where he acted as a fiduciary after the case was confirmed. The United States Trustee discovered the embezzlement of approximately $108,000 based on an inquiry from Marks' former business partner. The United States Trustee obtained Marks' resignation as fiduciary in the cases, and arranged the appointment of successor fiduciaries to pursue bond claims relating to the losses.

PENNSYLVANIA

On Nov. 15 the District Court for the Eastern District of Pennsylvania sentenced Philadelphia attorney Steven Bernosky, and barred him from practicing law for three years, for embezzling approximately $14,000 from a Chapter 11 bankruptcy estate. Bernosky served as debtor's counsel in the Chapter 11 bankruptcy case of Morris Schiff Co. The debtor company's property was sold for approximately $14,150, and Bernosky improperly deposited a check for the sale proceeds into his personal account. Bernosky made partial restitution of $11,000 before sentencing and produced a check for the balance at the sentencing hearing. He was sentenced to five years probation and ordered to pay a $2,500 fine. He pleaded guilty April 7 after a one-count information was filed March 31.

Chester Wiles was sentenced June 7 in the Eastern District of Pennsylvania to 24 months incarceration for false declaration in bankruptcy, to a concurrent 18-month term of incarceration on 12 other counts, and to five years of supervised release; he was also ordered to pay approximately $225,000 in restitution and a special assessment fine of $1,300. Wiles had assumed the identity of a

deceased person and fraudulently obtained credit in the decedent's name for 2½ years, before filing for bankruptcy twice in the decedent's name. He pleaded guilty to 13 counts including false statement in bankruptcy, bankruptcy fraud, false statements to obtain a HUD-insured mortgage, false statements in loan and credit applications, credit card fraud, wire fraud, interstate transportation of stolen goods, and use of an unassigned Social Security number.

SOUTH CAROLINA

Auctioneer J. Max McCaskill pleaded guilty Nov. 2 in the District of South Carolina to two counts of embezzlement from bankruptcy estates. McCaskill was a former Bankruptcy Court deputy clerk and a former employee of a bankruptcy trustee in South Carolina. While employed to auction bankruptcy estate property, he sold the property but failed to turn over the proceeds to the bankruptcy trustee.

TEXAS

Tronnald Dunnaway of Richardson, Texas, was sentenced Oct. 3 to 13 months in jail and three years supervised release and ordered to pay $23,959 in restitution for his role in a bankruptcy foreclosure scam. Dunnaway pleaded guilty in June on the eve of trial; on June 22, his co-defendant Shelby Daniels was found guilty of 14 counts of bankruptcy fraud in connection with the scam. Daniels and Dunnaway contacted homeowners facing foreclosure, offering to help them with their mortgage problems. They persuaded the homeowners to transfer a part interest in their homes to companies controlled by, or individuals working with, the scam operators. Those companies and individuals then filed for bankruptcy to delay foreclosure on the properties, but the victims ended up losing their homes.

On June 22, after a five-day jury trial, Shelby Daniels of Dallas was found guilty of 14 counts of bankruptcy fraud for his role in a bankruptcy foreclosure scam. Daniels represented himself as a real estate consultant and contacted homeowners facing foreclosure, persuading them to transfer a part interest in their homes to companies he controlled or individuals working with him. The companies and individuals filed for bankruptcy to delay foreclosure. Homeowners paid Daniels a $500 ''set up'' fee plus $500 per month, assuming he was working to address their mortgage problems. They ended up losing their homes. On the eve of trial, Tronnald Dunnaway, who was indicted with Daniels, pleaded guilty to one count of bankruptcy fraud.

VIRGINIA

Lee W. Smith Sr., the principal in the Chapter 11 case of Lee's Contracting Services Inc., was sentenced Nov. 10 to 21 months in prison after pleading guilty to one count of bankruptcy fraud and one count of tax evasion. Smith diverted monies from the corporation to personal accounts during the pendency of the Chapter 11 case, which was ultimately dismissed because the debtor owed more than $1 million in unpaid employee withholding taxes.

The District Court for the Southern District of West Virginia August 4 sentenced Donald S. Pritt to 30 months imprisonment, three years of supervised release, and restitution of $193,990 following his conviction on one count of mail fraud and two counts of bankruptcy fraud. Pritt claimed to be permanently disabled following an all-terrain vehicle accident. He filed disability insurance claims under several recently issued policies and engaged in litigation with the insurance companies and ATV manufacturer. Pritt was ordered to pay in excess of $600,000 in attorney fees to the manufacturer. The bankruptcy counts arose from his transfer and concealment of assets, which began after the state court litigation and continued during the bankruptcy case.

Ethel Mae Martin was sentenced June 15 in the Eastern District of Virginia to 27 months in prison and 3 years of supervised release for one count of bankruptcy fraud. Martin used at least three Social Security numbers to obtain credit and filed her bankruptcy petition using a fourth SSN.

Elizabeth Baker pleaded guilty June 8 to one count of making a false oath in connection with her bankruptcy. Baker and her husband filed a Chapter 13 petition in 1995; when her husband later died, Baker received over $99,000 in life insurance proceeds. She converted the bankruptcy case to a Chapter 7 liquidation but did not disclose the receipt of funds to the bankruptcy trustee. Baker's bankruptcy discharge was revoked after the trustee discovered the receipt of funds as well as Baker's false testimony that there were no assets other than those listed in the bankruptcy schedules.

WISCONSIN

The Court of Appeals for the Seventh Circuit July 20 upheld the March 1998 conviction of attorney John Gellene for false material declarations in a bankruptcy proceeding, and upheld the trial court's sentencing determinations. Gellene did not disclose that his law firm represented a senior secured creditor as well as the Chapter 11 debtor, giving rise to a conflict of interest in representation. He was convicted after a jury trial in the Eastern District of Wisconsin, sentenced to 15 months in prison, and fined $15,000. In its ruling, the Appeals Court rejected Gellene's argument that his false statements were not material, finding it beyond doubt that ''a misstatement in a Rule 2014 statement by an attorney about other affiliations'' is material.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Smith (of New Hampshire) amendment No. 3210, to prohibit granting security clearances to felons.

Warner/Dodd amendment No. 3267, to establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba.

Levin (for Kennedy) amendment No. 3473, to enhance Federal enforcement of hate crimes.

Hatch amendment No. 3474, to provide for a comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut, Mr. DODD, is recognized to offer an amendment, on which there will be 2 hours equally divided.

The Senator from Connecticut.

AMENDMENT NO. 3475

(Purpose: To establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba)

Mr. DODD. Mr. President, I believe this is the full text of the amendment. I just had several copies made for my colleagues.

Let me inquire of the distinguished Senator from New Hampshire, did he get a copy of the amendment?

Mr. SMITH of New Hampshire. Yes.

Mr. DODD. Mr. President, I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 3475.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 462, between lines 2 and 3, insert the following:

**SEC. ___. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON CUBA.**

(a) SHORT TITLE.—This section may be cited as the ''National Bipartisan Commission on Cuba Act of 2000''.

(b) PURPOSES.—The purposes of this section are to—

(1) address the serious long-term problems in the relations between the United States and Cuba; and

(2) help build the necessary national consensus on a comprehensive United States policy with respect to Cuba.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Bipartisan Commission on Cuba (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall be composed of 12 members, who shall be appointed as follows:

(A) Three individuals to be appointed by the President pro tempore of the Senate, of whom two shall be appointed upon the recommendation of the Majority Leader of the Senate and of whom one shall be appointed upon the recommendation of the Minority Leader of the Senate.

(B) Three individuals to be appointed by the Speaker of the House of Representatives, of whom two shall be appointed upon the recommendation of the Majority Leader of the House of Representatives and of whom one shall be appointed upon the recommendation of the Minority Leader of the House of Representatives.

(C) Six individuals to be appointed by the President.

(3) SELECTION OF MEMBERS.—Members of the Commission shall be selected from among distinguished Americans in the private sector who are experienced in the field of international relations, especially Cuban affairs and United States-Cuban relations, and shall include representatives from a cross-section of United States interests, including human rights, religion, public health, military, business, agriculture, and the Cuban-American community.

(4) DESIGNATION OF CHAIR.—The President shall designate a Chair from among the members of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of the Chair.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(7) VACANCIES.—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) DUTIES AND POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall be responsible for an examination and documentation of the specific achievements of United States policy with respect to Cuba and an evaluation of—

(A) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in support of acts of international terrorism and the trafficking of illegal drugs;

(B) the indemnification of losses incurred by United States certified claimants with confiscated property in Cuba; and

(C) the domestic and international impacts of the 39-year-old United States economic, trade and travel embargo against Cuba on—

(i) the relations of the United States with allies of the United States;

(ii) the political strength of Fidel Castro;

(iii) the condition of human rights, religious freedom, and freedom of the press in Cuba;

(iv) the health and welfare of the Cuban people;

(v) the Cuban economy; and

(vi) the United States economy, business, and jobs.

(2) CONSULTATION RESPONSIBILITIES.—In carrying out its duties under paragraph (1), the Commission shall consult with governmental leaders of countries substantially impacted by the current state of United States-Cuban relations, particularly countries impacted by the United States trade embargo against Cuba, and with the leaders of nongovernmental organizations operating in those countries.

(3) POWERS OF THE COMMISSION.—The Commission may, for the purpose of carrying out its duties under this subsection, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence as the Commission considers advisable to carry out the provisions of this section.

(e) REPORT OF THE COMMISSION.—

(1) IN GENERAL.—Not later than 225 days after the date of enactment of this Act, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under subsection (d).

(2) CLASSIFIED FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, together with a classified annex, if necessary.

(3) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include the individual or dissenting views of the member in the report required by paragraph (1).

(f) ADMINISTRATION.—

(1) COOPERATION BY OTHER FEDERAL AGENCIES.—The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for purposes of carrying out its functions.

(2) COMPENSATION.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Commission.

(3) ADMINISTRATIVE SUPPORT.—The Secretary of State shall, to the extent permitted by law, provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

(g) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act shall not apply to the Commission to the extent that the provisions of this section are inconsistent with that Act.

(h) TERMINATION DATE.—The Commission shall terminate 60 days after submission of the report required by subsection (e).

Mr. DODD. Mr. President, first of all, before I get into the substance of the amendment, I hope it may be possible we can reduce the time on this debate. I know there are other matters to be considered. We have 2 hours, but this may not take that much time. It is not a terribly complicated proposal. I think a lot of our colleagues may already be aware of the substance of it.

Let me begin these brief remarks by, first of all, expressing my disappointment, in a sense, that I have to offer an amendment that my good friend from Florida strongly disagrees with, Senator CONNIE MACK. He is in his last few months in this body. He is one of my best friends in the Senate. It may be hard for some people who do not follow this institution carefully to understand that two people of different political persuasions, from different parts of the country, can be good friends, but we are.

As I feel strongly about this amendment, he feels strongly about it. I would prefer that he were my ally. He will not be. I presume he might wish I were his ally. So it will be somewhat of a disappointment for me to be offering something about which my good friend so strongly disagrees, as he prepares to leave this body and to which he has made such a significant contribution during his tenure.

I will miss him very much in the coming years. I do not offer this amendment with any great pleasure. I do think it is the right amendment. I want him to know that I do not do so with any sense of personal animus in the slightest as I offer it. There are others who disagree as well.

Last Friday, I spoke at some length about why I believe the amendment that was originally proposed by another good friend, the chairman of the Armed Services Committee, Senator WARNER, and I, which we offered some time ago to establish a bipartisan commission to review United States policy towards Cuba, why we believe it is in our national interest.

The amendment I have just offered, as the Warner amendment, would provide for the appointment of a bipartisan commission to review U.S. policy with respect to Cuba and to make recommendations on how to bring that policy into the 21st century.

I regret that because Senator WARNER is the manager of the underlying bill he has had to withdraw his support for this amendment. While certainly Senator WARNER is fully capable of speaking for himself, I believe Senator WARNER still thinks that the proposal I am making today is a good idea, even if he must disagree with the vehicle to which it is sought to be attached.

Very briefly, the commission would be composed of 12 members, chosen by the following: six by the President of the United States, six by the Congress; equally divided between the legislative and executive branches. There would be four members chosen by the House and Senate Republicans leaders and two by the Democratic leaders.

Senator WARNER and I had originally crafted this legislation to ensure that the commission would have a balanced and diverse membership, not bipartisan in the sense of two parties because this issue ought not be divided by party. In fact, it is not divided by party. There are people who sit on this side of the aisle in the Senate who will disagree with this amendment. There are Members on the other side who will agree with this amendment. This country is not divided along strictly partisan lines—Democrats and Republicans—as it reviews Cuban policy. But what we are seeking with the commission is to have a diversity of opinion, not a diversity of party necessarily, although that may occur anyway.

So the idea was to have members who would be selected from various fields of expertise—including human rights, religious, public health, military, business, agriculture, the Cuban American community, and also the agricultural community where there is such strong interest. Creating that kind of diversity is what we seek in a commission. It would make recommendations to us which we may or may not follow. They are recommendations.

Other commissions in the past have been appointed that have made recommendations which Congress has sought to follow and in other cases Congress has totally ignored. So a commission is really an opportunity to see if we can get this out of the partisan politics which have dominated this debate for far too long and to make some solid long-term recommendations on how we might begin to prepare for an intelligent, soft landing, to use the words of Zbigniew Brzezinski some years ago when he provided the necessity of us beginning to think to arrange for a relationship with the island of Cuba in a post-Castro period.

The commissioners would have 225 days from the date of enactment to undertake their review and report their findings. The original Warner amendment provided for 180 days.

Some have said: Why do this now? We are only a few months away from a new administration. Why not let a new administration take on this responsibility?

I argue that, in fact, this is exactly the right time to be doing it, with an administration that is leaving, in a sense, to be able to provide for a new administration some ideas and thoughts on how we might proceed.

So whether it is a Bush administration or a Gore administration that is sworn into office on January 20 of the coming year, this commission would report back in the late spring of next year, and the new administration could have the benefit of some solid thinking rather than waiting for a new administration with all of the problems associated with that in terms of how they begin their efforts.

The idea of establishing a commission is not a new idea. It is not even originally my idea. The establishment of a commission was first proposed by our colleague from Virginia almost 2 years ago in a letter to President Clinton.

Who supported the idea of the Warner commission at that time? Senator WARNER was encouraged to propose such an idea in 1998 by a very distinguished group of foreign policy experts. Let me list some of the individuals who urged that such a commission be created: former Secretaries of State Lawrence Eagleburger, George Shultz, and Henry Kissinger; former Majority Leader Howard Baker; former Defense Secretary Frank Carlucci; former Secretaries of Agriculture John Block and Clayton Yeutter; former Ambassadors Timothy Towell and J. William Middendorf; former Under Secretary of State William Rogers; former Assistant Secretary of State for Latin America and Distinguished Career Ambassador Harry Shalaudeman; and another distinguished former colleagues of ours, Malcolm Wallop.

The United States Catholic Conference has also gone on record in support of the establishment of such a committee.

In fact, I ask unanimous consent that the letters that accompanied these recommendations be printed in the RECORD. One of the letters is dated September 30, 1998, signed by Howard Baker, Frank Carlucci, Henry Kissinger, Bill Rogers, Harry Shalaudeman, and Malcolm Wallop, who called for this commission 2 years ago. And there are other letters that were sent from our Senate colleagues to President Clinton. Senators signing the letters are Senators GRAMS, BOND, JEFFORDS, HAGEL, LUGAR, ENZI, John Chafee, SPECTER, GORDON SMITH, THOMAS, BOXER, BOB KERREY, Bumpers, JACK REED, SANTORUM, MOYNIHAN, Kempthorne, ROBERTS, LEAHY, COCHRAN, DOMENICI, and MURRAY—hardly a partisan group of Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BAKER, DONELSON,
BEARMAN & CALDWELL,
*Washington, DC, September 30, 1998.*

Hon. JOHN WARNER,
*U.S. Senate, Washington, DC.*

DEAR SENATOR WARNER: As Americans who have been engaged in the conduct of foreign relations in various positions over the past three decades, we believe that it is timely to conduct a review of United States policy toward Cuba. We therefore encourage you and your colleagues to support the establishment of a National Bipartisan Commission on Cuba.

I am privileged to be joined in this request by: Howard H. Baker, Jr., Former Majority Leader, U.S. Senate; Frank Carlucci, Former Secretary of Defense; Henry A. Kissinger, Former Secretary of State; William D. Rogers, Former Under Secretary of State; Harry W. Shalaudeman, Former Assistant Secretary of State; and Malcolm Wallop, Former Member, U.S. Senate.

We recommend that the President consider the precedent and the procedures of the National Bipartisan Commission on Central America chaired by former Secretary of State Henry A. Kissinger, which President Reagan established in 1983. As you know, the Kissinger Commission helped significantly to clarify the difficult issues inherent in U.S. Policy in Central America and to forge a new consensus on many of them.

We believe that such a Commission would serve the national interest in this instance as well. It could provide the Administration, the Congress, and the American people with objective analysis and useful policy recommendations for dealing with the complexities of our relationship with Cuba, and in doing so advance the cause of freedom and democracy in the Hemisphere.

Sincerely,

LAWRENCE S. EAGLEBURGER.

---

U.S. SENATE,
*Washington, DC, October 13, 1998.*

Hon. WILLIAM JEFFERSON CLINTON,
*President of the United States, Washington, DC.*

DEAR MR. PRESIDENT: We, the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of the National Bipartisan Commission on Central America, (the ''Kissinger Commission''), established by President Reagan in 1983, which made such a positive contribution to our foreign policy on that most difficult and controversial issue over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 6, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, or billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risk of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pentagon, and the call by Pope John Paul II for the opening of Cuba by the world, have not been broadly accepted by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, our allies, and the Cuban people to review these issues.

We therefore recommend that a National Bipartisan Commission be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and to make recommendations that will improve this policy's effectiveness to achieve our country's stated foreign policy goals for Cuba.

We recommend that the members of this Commission be selected from a bipartisan list of distinguished Americans who are experienced in the field of international relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of 1) the national security risk of Cuba to the United States and the role of the Cuban government in international terrorism and illegal drugs, 2) the indemnification of losses incurred by U.S. certified claimants with confiscated property in Cuba, and 3) the domestic and international impacts of the 36 year old U.S.-Cuba economic, trade and travel embargo on: a) U.S. international relations with our foreign allies; b) the political strength of Cuba's leader; c) the condition of human rights, religious freedom, freedom of the press in Cuba; d) the health and welfare of the Cuban people; e) the Cuban economy; f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We strongly urge you to take immediate action on this proposed initiative and we thank you in advance for your thoughtful consideration.

Sincerely,

Senators Warner, Grams, Hagel, Jeffords, Enzi, Chafee, Gordon Smith, Thomas, Kerrey, Bumpers, Santorum, Dodd, Kempthorne, Roberts, Bond, Lugar, Leahy, Moynihan, Specter, Reed, Cochran, Murray, Domenici, Boxer.

---

U.S. SENATE,
*Washington, DC, October 13, 1998.*

Hon WILLIAM JEFFERSON CLINTON,
*President of the United States, The White House, Washington, DC.*

DEAR MR. PRESIDENT: We, the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission

to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of the National Bipartisan Commission on Central America, (the ''Kissinger Commission''), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 6, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, of billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risk of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pentagon, and the call by Pope John Paul II for the opening of Cuba by the world, have not been broadly reviewed by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, our allies, and the Cuban people to review these issues.

We therefore recommend that a ''National Bipartisan Commission on Cuba'' be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and its overall effect on this hemisphere. This analysis would in turn help us shape and strengthen our future relationship with Cuba.

We recommend that the members of this Commission be selected, like the ''Kissinger Commission'', from a bipartisan list of distinguished Americans who are experienced in the field of inter-national relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community. A bipartisan group of eight Members of Congress would be appointed by the Congressional Leadership to serve as counselors to the Commission.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of (1) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in international terrorism and illegal drgus, (2) the indemnification of losses incurred by U.S.-certified claimants with confiscated property in Cuba, and (3) the domestic and international impacts of the 36-year-old U.S.-Cuba economic, trade and travel embargo on: (a) U.S. international relations with our foreign allies; (b) the political strength of Cuba's leader; (c) the condition of human rights, religious freedom, freedom of the press in Cuba; (d) the health and welfare of the Cuban people; (e) the Cuban economy; (f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We have enclosed a letter from former Secretary of State Lawrence Eagleburger outlining his and other former top officials support for the creation of such a commission. Thank you in advance for your thoughtful consideration.

Sincerely

Senator John W. Warner (R–VA), Chuck Hagel (R–NE), Michael B. Enzi (R–WY), Gordon Smith (R–OR), J. Robert Kerrey (D–NE), Rick Santorum (R–PA), Dirk Kempthorne (R–ID), Christopher ''Kit'' Bond (R–MO), Rod Grams (R–MN), James M. Jeffords (R–VT), John H. Chafee (R–RI), Craig Thomas (R–WY), Dale Bumpers (D–AR), Christopher J. Dodd, (D–CT), Pat Roberts (R–KS)

---

U.S. SENATE,
*Washington, DC, December 11, 1998.*

Hon. WILLIAM JEFFERSON CLINTON,
*President of the United States, The White House, Washington, DC*

DEAR MR. PRESIDENT: We, the undersigned would like to join our colleagues, who wrote to you on October 13th 1998 recommending that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of The National Bipartisan Commission on Central America, (the Kissinger Commission''), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 16, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, of billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risks of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pentagon, and the call by Pope John II for the opening of Cuba by the world, have not been broadly revived by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, and the Cuban people to review these issues.

We therefore recommend that a ''National Bipartisan Commission on Cuba'' be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and its overall effect on this hemisphere. This analysis would in turn help us shape and strengthen our future relationship with Cuba.

We recommend that the members of this Commission be selected, like the ''Kissinger Commission'', from a bipartisan list of distinguished Americans who are experienced in the field of inter-national relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community. A bipartisan group of eight Members of Congress would be appointed by the Congressional Leadership to serve as counselors to the Commission.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of (1) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in international terrorism and illegal drugs, (2) the indemnification of losses incurred by U.S.-certified claimants with confiscated property in Cuba, and (3) the domestic and international impacts of the 36-year-old U.S.-Cuba economic, trade and travel embargo on: (a) U.S. international relations with our foreign allies; (b) the political strength of Cuba's leader; (c) the condition of human rights, religious freedom, freedom of the press in Cuba; (d) the health and welfare of the Cuban people; (e) the Cuban economy; (f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We have enclosed a letter from former Secretary of State, Lawrence Eagleburger outlining his and other former top officials support for the creation of such a commission. Thank you in advance for your thoughtful consideration.

Sincerely,

Richard G. Lugar (R–IN), Patrick J. Leahy (D–VT), Jack Reed (D–RI), Patty Murray (D–WA), Pete V. Domenici (R–NM), Daniel Patrick Moynihan (D–NY), Arlen Specter (R–PA), Thad Cochran (R–MS), Barbara Boxer (D–CA)

---

HOOVER INSTITUTION
ON WAR, REVOLUTION AND PEACE,
*October 20, 1998.*

Hon. WILLIAM JEFFERSON CLINTON,
*President of the United States, Washington, DC.*

DEAR MR. PRESIDENT: As Former Secretary of State in the Reagan Administration I was proud to be a part of the successful effort that brought about the downfall of communism in Eastern Europe and the Soviet Union.

Today we have another opportunity to expand democracy in the world and to rid our hemisphere of the last bastion of communism. To do this the United States needs

to review and analyze its current foreign policy toward Cuba. This analysis can most effectively be conducted by the National bipartisan Commission proposed by my colleagues and by Senator Warner in his letter to you of October 13, 1998.

This Commission, like the National Bipartisan Commission on Central America authorized by President Reagan in 1983, would conduct an objective analysis of our current foreign policy and would provide your Administration and the Congress, critically important insights needed to improve the policy's effectiveness in achieving its stated foreign policy goals. The formation of this Commission is in the best interest of the United States and its conclusions and recommendations will provide the greatest opportunity for our country to determine the most effective ways to assist the Cuban people in their struggle to achieve increased freedom and self-determination and to prepare them for the transition to democracy.

I therefore join with my colleagues, who have devoted most of their professional careers to fighting communism, and strongly support and endorse Senator Warner's request to you to authorize the establishment of a National Bipartisan Commission to review U.S.-Cuban policy.

Sincerely yours,

GEORGE P. SHULTZ.

---

DEPARTMENT OF SOCIAL DEVELOPMENT AND WORLD PEACE,
*October 21, 1998.*

Hon. JOHN WARNER,
*U.S. Senate, Russell Office Building, Washington, DC.*

DEAR SENATOR WARNER, I write to commend you, and the other Senators who have joined with you, in urging the President to authorize the establishment of a Bipartisan Commission on U.S.-Cuban relations. In recent years, voices of respected and influential leaders in many different fields have been raised to express dissatisfaction with aspects of our present policy toward Cuba. The Catholic Bishops of this country, through our national body, the United States Catholic Conference, have long shared this view that our policy has the need, in the words of the Holy Father last January, ''to change, to change.''

We are sympathetic with the sense of frustration that many in our government experience as they search for some signs from Cuba that its government is prepared seriously to engage the United States and to address its valid concerns about basic freedoms and respect for human rights. But as they search in vain for such signs, untold numbers of our Cuban brothers and sisters continue to suffer intolerable deprivation and hardships, both spiritual and material. As a society, we must find ways to change the present unacceptable Status quo and move confidently toward a new policy.

The Creation of a National Bipartisan Commission would well prove the needed catalyst for moving us toward that goal. I thank you and your colleagues for this initiative and pray that it prosper.

Sincerely yours,

MOST REVEREND THEODORE E. MCCARRICK,
*Archbishop of Newark, Chairman, Committee on International Policy, United States Catholic Conference.*

HOGAN & HARTSON, L.L.P.,
*Washington, DC, October 29, 1998.*

Hon. WILLIAM JEFFERSON CLINTON,
*President, The White House, Washington, DC.*

Re: the Proposed National Bipartisan Commission on Cuba.

DEAR PRESIDENT CLINTON: As an American who has served in cabinet and subcabinet positions of four U.S. presidents, I have seen firsthand the influence of U.S. foreign policy throughout the world, its effects on the governments and citizens of foreign countries, and its reciprocal effects on the U.S. economy, businesses and jobs. I have also seen the use of unilateral sanctions grow into becoming a long-standing tool of U.S. foreign policy to be employed against foreign governments and their leaders whose behavior the U.S. Government finds unacceptable.

Cuba is one of those countries where U.S. sanctions have been employed, in their case for nearly 40 years, including a total economic embargo which has been unilateral for over 36 years. The stated purpose of these sanctions and the embargo is to bring down the communist government bring freedom and self-determination to the Cuban people, and to prepare them for a transition to democracy. Now nearly four decades later, the communist government is still in place, the Cuban people have very few freedoms, and the country is now recovering from the departure, in 1991, of the Soviet Union and its five billion dollars of annual aid and assistance.

I therefore welcome Senator Warner's request to your Administration to establish a National Bipartisan Commission to review U.S.-Cuba policy, and I respectfully join former Secretary of State Lawrence Eagleburger and his distinguished colleagues in support of Senator Warner and his Senate colleagues' request.

The establishment of this Commission will conduct a long overdue objective analysis of our current Cuba policy and we can look forward to the Commission producing recommendations that will improve the overall effectiveness of our U.S.-Cuba policy so we might more effectively achieve our country's stated goals.

Sincerely,

CLAYTON YEUTTER.

That suggested the course of this commission be established as a way to try to sort out how best to establish a better relationship with the 11 million people who live 90 miles off our shore.

Further, highly respected human rights advocates who remain in Cuba—those dissidents who remain in Cuba and subject themselves every day to the difficulties of living under a dictatorship—seeking to promote political change have called upon the United States to rethink our policy when it comes to Cuba. Elizardo Sanchez, President of the Cuban Commission on Human Rights and National Reconciliation, sent a letter in April of this year urging the United States to change its policies. He wrote:

It is unfortunate that the government of Cuba still clings to an outdated and inefficient model that I believe is the fundamental cause of the great difficulties that the Cuban people suffer, but it is obvious that the current Cold War climate between our two governments and unilateral sanctions will continue to fuel the fire of totalitarianism in my country.

That is from a letter from dissidents inside Cuba talking about how to create change there.

There is a double standard when it comes to Cuba. A number of other countries are far more of a threat to U.S. national security and antithetical to U.S. foreign policy interests. Yet our sanctions against Cuba are among the harshest. We have concerns about nuclear proliferation with respect to India, Pakistan, Iran, China, and North Korea. Yet Americans may travel freely to each and every one of those nations. In fact, Americans are free to travel to many countries that I would not consider to be bastions of democracy: Iran, Sudan, Burma, the former Yugoslavia, Vietnam, Cambodia, to mention a few.

We have just entered a new millennium and the United States has moved in most areas to bring U.S. policy into line with the new realities of the 21st century. On the Korean peninsula, North Korean and South Korean leaders met last week in a historic summit which will hopefully pave the way to reconciliation and reunification for two countries that fought a bloody and costly war in the last century. To encourage that effort, the Clinton administration announced it was prepared to lift sanctions against one of our oldest adversaries.

With respect to China, the United States has a number of deeply serious disagreements with that Government, including workers' rights, respect for human rights, nuclear proliferation and economic policies, hostility towards Taiwan—the list goes on. Yet the United States has full diplomatic relationships with Beijing. Moreover, I predict the Senate will soon follow the House and support permanent normal trade relations with China, thereby clearing the way for its entry into the World Trade Organization.

Let us talk about Vietnam. The Vietnam conflict left an indelible mark on the American psyche. Just a few blocks from here, the names of 53,000 Americans who lost their lives in that country are listed on a wall. Yet today a Vietnam veteran and former Congressman, Pete Peterson, represents U.S. interests in Vietnam as U.S. Ambassador. American citizens are free to travel and do business there. We have learned to somehow change and move forward. Do we agree with the policies of Vietnam? No. Do we agree with what is going on in China? No. Do we agree with what is going on in North Korea? No, obviously not. But we are seeking in the 21st century to try to move these nations in the right direction. We don't do it by isolation. We don't do it by creating a Berlin Wall off the coast of Florida between our two countries. We do it by contact, by communication, by engaging. Those are the ways we create change. We have seen that in place after place all over the globe.

Around the world, old adversaries are attempting to reconcile their differences: in the Middle East, Northern Ireland, and the Korean peninsula. The United States has actively been promoting such efforts because we think it is in our national interest to do so.

I ask a simple question: Isn't it time that we at least took an honest and dispassionate look at our relations with a country in our own hemisphere, 90 miles off our shores, where 11 million good people, not Communists but good people, are living under extremely difficult circumstances? Isn't it in our interest and the interest of the 11 million people there to try and see if we can't begin some new way to bring about change in that country other than following the 40 years of isolation that is still the centerpiece of the U.S.-Cuban relationship?

Opponents of this measure point to the fact that Cuba remains on the terrorist list. Why? Because, according to a 1999 State Department report on global terrorism, Cuba ''continued to provide a safe haven to several terrorists and U.S. fugitives . . . and it maintained ties to other state sponsors of terrorism and Latin American insurgents.''

Castro's biggest crime last year, according to this report, appears to be that he hosted a series of meetings between the Colombian Government officials and the ELN, a Colombian guerrilla organization. Rather curious in light of the fact that the United States publicly supports President Pastrana's efforts to undertake a political dialog with the guerrilla organizations in that country as a means of ending the civil conflict in Colombia.

The same report found that Islamic extremists from around the world continued to use Afghanistan as a training ground and base of operation for their worldwide terrorist activities. Usama Bin Ladin, the Saudi terrorist indicted for the 1998 bombing of two U.S. Embassies in Africa, continues to be given sanctuary by that country. Yet Afghanistan is not on the terrorist list. There are no prohibitions on the sale of food or medicine to that country. Americans can travel freely to that country.

Last week, the Foreign Relations Committee held a hearing to review the findings of the National Commission on Terrorism. During the course of that hearing, Paul Bremer, the chairman of the commission, admitted that Cuba's behavior with respect to terrorist matters had improved over the past 4 years. In fact, it is the only country, he said, that has shown any improvement.

I ask the question again: Isn't it time we start to measure our Cuban policy against the same yardstick that we measure our relations with the rest of the nations of the world? Isn't it time we follow a policy that is truly in our national interest, one that promotes positive relations with the 11 million people who live on the island of Cuba, and one that promotes a peaceful change in self-determination for a proud people who have been done a huge disservice and injustice by the Castro regime?

Many of my colleagues have told me privately that they believe Senator WARNER and I are on the right course. I appreciate those kind words. I also hope the time has finally come for them to stand up and be counted on this issue.

This is an important question. This is not a radical idea. It is not a revolutionary idea. We form commissions all the time in order to get some distance between the politics of an issue and the dispassionate view of people who can bring knowledge and ideas and experience. I don't think that Henry Kissinger or George Shultz or Frank Carlucci or Howard Baker are Castro supporters—hardly. But they do understand that it is in the interest of the United States for us to try and move beyond the present wall that distances us from these people as we seek a change in our policy.

That is all this commission is proposing to do. It doesn't say that anyone has to agree with the recommendations or vote for them. It doesn't bind the Senate. It merely says, as we begin a new administration, why not have the benefit of the solid thinking of people who dedicate their lives to addressing foreign policy issues? Why should we be allowed to travel to Libya, to open up relations with Iran, to have relationships with Vietnam? Maybe some don't think we ought to do any of those. That I would understand. But for people here to tell me it is OK to have normal relationships with China and Vietnam and to promote lifting sanctions in North Korea and talk about moving to have a relationship with Iran, and then simultaneously tell me we can't even form a commission to analyze whether or not we could do a better job resolving the differences between our two peoples, does not make a great deal of sense to me.

I will put up, for the benefit of our colleagues, this little chart. I know people use charts all the time. This is the last couple of weeks. They are photographs that have appeared in national newspapers. The picture at the top is the two leaders of North and South Korea, meeting just a week or so ago to resolve differences. The next picture is our own Secretary of State, Madeleine Albright, meeting with Yasser Arafat. If you met with him 10 years ago or you even talked to the guy, you were in political jeopardy. Now we welcome him and embrace him at the White House as we try to resolve differences in the Middle East.

The picture on the further side is the Prime Minister of Great Britain and the Prime Minister of Ireland signing the accords that may bring about the end of years of hostility in Northern Ireland. The bottom is the President and the leader of the People's Republic of China. These are examples of what can happen with creative engagement. If there was a policy in South Korea that said we could never talk to anybody in North Korea, that photograph would not appear. What if we said, despite any of the efforts to bring about peace in the Middle East, no one could meet or talk about meeting with the Palestinians or Northern Ireland or in China? All I am asking is, why don't we try something a little different when it comes to the island of Cuba, and see if we can't create the kind of change that is reflected in these photographs of the 21st century. That is what this amendment is designed to do. It is a bipartisan effort.

Again, the list of our colleagues I have recited demonstrates that people on both sides of the aisle care about this very much and made recommendations some years ago that we move in this direction. Again, distinguished former administration officials—Republican as well as Democratic administrations—indicate the sound thinking, in my view, across the board when it comes to the establishment of such a commission.

Again, I know you are going to hear a lot about how bad the Castro government is, and I am not going to disagree. They are. I am not here to stand up and tell you I think that is a good government. It is not. I would not last 5 minutes there. It is repressive, a dictatorship, and the things they do to their own people are outrageous. But we have found a way to break new ground, to at least reach out. That is all I am asking for today—a commission to try to reach out with some new ideas with one nation in our hemisphere, which is a shorter distance from our shores than it is from here to Hagerstown, MD. Let's see if we can improve the relationship.

I withhold the remainder of my time.

Mr. SMITH of New Hampshire. Mr. President, I yield such time as he may consume to the Senator from Florida, Mr. MACK.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I begin by saying to my friend, Senator DODD, how much I appreciate his comments at the beginning of his speech to the Senate. I appreciate the relationship we have developed. Certainly, one of the things I will truly miss as I leave the Senate at the end of this year is the relationships that have been developed and the opportunity to expand on those relationships with others. Again, it has been a delight. However, we do have very strong differences of opinion on this issue.

I will begin by pointing at the chart that has been put up next to Senator

DODD. There is one very fundamental difference. Each of those leaders reached out; they wanted to bring about change. We have seen absolutely, positively none of that from Fidel Castro. There is no indication—not an iota of evidence—that Fidel Castro wants to change.

Later today, we will be voting on this amendment to the Defense Department authorization bill, which is designed to establish a commission to review and report on the United States policy toward Cuba.

I have spoken with many colleagues recently about this amendment and the idea of forming a commission. I understand from some Senators that they have concerns that they want a chance to discuss regarding Cuba. But the goal of those Senators seems to be either broad sanctions reform or the enactment of specific changes in our policies toward Cuba. But today we are debating an amendment on forming a commission. This commission is blatantly political, in my opinion, so much so that no serious effort can come from a commission designed to be so skewed. This commission accomplishes nobody's goal.

Let me make three points: First, we don't need a national commission to study only Cuba sanctions; second, we should not tie the hands of the next President to set his own Cuba policy; and, third, we should not set policy through a partisan commission outside of the normal conduct of foreign policy by the executive branch.

The legislation on which you are being asked to vote establishes a 12-person panel to review and report on various aspects of Cuba policy. But this is why we have a Foreign Relations Committee in the Senate, an International Relations Committee in the House, and a U.S. Department of State. Why are we making Government bigger and more expensive than it needs to be? Especially, as my friend from Connecticut has argued, this amendment does not take a position or implement a policy.

Let me highlight a few of the details. This commission is appointed as follows—and, again, I note that my friend indicated this is not a partisan issue, but we who have been around here for a long time all know these issues end up being influenced by politics.

What we are going to have is a commission of 12 people, 6 appointed by the current President. The current President will put six members on a commission to tell the next President what his policy toward Cuba should be. And there will be three from each House—two majority, one minority. That means two-thirds of the commission would be appointed by Democrats; that is, 8 of the 12 members of the commission would be appointed by Democrats. One-third, that is, four members of the commission, would be Republicans. That is not the way to set foreign policy.

Our current policy, set by the State Department and the President, has been endorsed by the Congress over the years with significant legislation. The only reason for this special commission is to try to change current policy through abnormal means.

Let me talk for a moment about American foreign policy in general. I hear the rhetoric often that, after 39 years, clearly, our Cuba policy has not brought democracy to Cuba and therefore it must be abandoned as a failure. Think about that argument for a moment. What if Ronald Reagan had come into office and declared in 1980: After 40 years, since there is no democracy in the Soviet Union, our Soviet policy must be abandoned?

Reagan did the opposite. He had the courage to call the Soviet Union what it was, an ''evil empire.'' His courage and commitment brought democratic reform to Russia. America's foreign policy must reflect America's commitment to the principles we believe in: freedom, democracy, justice, and respect for human dignity.

My friend from Connecticut has stated that the policy is aimed at one man, Fidel Castro, but it denies basic necessities to the entire 11 million people of Cuba. The reality is that Cuba can purchase goods from the entire world. By closing the American market to Cuba, we are denying the people nothing. Fidel Castro keeps Cuba poor, not the United States embargo.

By maintaining the current policy, however, of isolating Fidel Castro, we are doing as a Nation what we have done for so many generations: We are standing shoulder to shoulder with people struggling for freedom. We are standing for truth and dignity and supporting heroes when we oppose Fidel Castro and deny him the means to build up his resources.

Since trade has been an important issue of discussion lately given the pending vote on trade with China, perhaps some more detail would be helpful on the differences between China and Cuba.

Simply stated, China began policy changes and economic reforms as early as 1978. Today, they continue to open their economy, seek engagement in the community of nations, and look for investment and trade.

Let me tell you about Cuba. I will provide details from a study conducted by the University of Miami: Cuba does not permit trade independent from the state; most of Cuba's exportable products to the United States are produced by Cuban state-run enterprises with workers being paid near slave wages; many of these products would compete unfairly with United States agriculture and manufactured products, or with other products imported from the democratic countries of the Caribbean into the United States; Cuba does not permit individual freedom in economic matters; investments in Cuba are directed and approved by the Government of Cuba; it is illegal for foreign investors to hire or fire Cuban workers directly and the Cuban Ministry of Labor does the hiring; foreign companies must pay the wages owed to their employees directly to the Cuban Government in hard currency; the Cuban Government then pays the workers in Cuban pesos, worth one-twentieth of a dollar, and the Government pockets 90 percent of the wages paid in by the investor; Cuba has no independent judicial system to settle commercial disputes.

In short, Fidel Castro has failed to make any of the changes made by Beijing. An investment in China today can empower a Chinese middle class and move power away from the center. An investment in Cuba today benefits Fidel Castro and disadvantages the 11 million people struggling for freedom. It is that simple.

As recently as 1997, Fidel Castro argued against the wisdom of economic reforms and reasserted the supremacy of Communist ideology. In addition, political parties remain outlawed. Dissidents are either exiled, banished to the far reaches of the island, or simply imprisoned. The church continues to complain that the promises made during the Pope's visit have not been complied with. The daily activities of the average Cuban citizen continue to be monitored by the state's notorious ''neighborhood watch committees,'' known as the Committee for the Defense of the Revolution. These have been in place for 40 years and continue in place today. Amnesty International counts at least 400 prisoners of conscience, but this does not include the thousands convicted under trumped up charges for political purposes.

I am not simply arguing ideology here today. We have empirical evidence of the failure of the policy recommendation to trade with Cuba; we need only to look at Canada's recent experiences. After arguing for a policy of opening trade with Cuba, our neighbors to the North are now pulling out. I will quote from The Globe and Mail of June 30, 1999:

> The Canadian government had hoped that investing directly in the Cuban economy by building plants and infrastructure would not only deliver an economic return, but also lead to wider-ranging reforms. Those hopes have been largely dashed as Canadian companies report woeful tales of pouring good money into bad investments in Cuba.

Mr. President, policies of so-called engagement with Castro have failed for those who have tried. We all shared great hope when the Pope visited Cuba in January 1998. The United States promised to respond positively to any changes made by the Castro regime following the Pope's visit. We expected to see more space for the Cuban people:

freedom of speech and more freedom of religious expression. We know now that even these hopes have been dashed. The Pope just last December expressed his disappointment in the changes in Cuba. A December 2, 1999 Reuters wire story reports,

The clear wording of the Pope's speech indicated that the Vatican felt that not much has changed on the predominantly Catholic island in two years.

We know that President Reagan's wisdom remains true—after 39 years of isolating Cuba, we must not fear calling things as we see them. Fidel Castro is an evil tyrant. He impoverishes the Cuban people in spite of the efforts of many to open the society to freedom and the economy to investment. Fidel Castro denies his people the basic necessities for life, liberty, and happiness.

Mr. President, I do not object to evaluating our policies, but we must be honest, this is not the way. When Cuba changes, the United States must also change. Until then, we must remain committed to our principles, because it is our principles which make us strong. No missile system, no fleet of warships, will keep the United States the shining city on the hill—the beacon of freedom which we all saw when Ronald Reagan was President. I hope that my colleagues will join me. And I hope that they will stand with me for freedom. stand with me for democracy, stand with me for justice, and stand with me for respect for the human dignity of the 11 million people in Cuba.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I compliment my colleague from Florida for his leadership. He has been stalwart over the years he has been a Senator from the State of Florida, as well as a Congressman, in his efforts to bring the end to the Castro regime. I applaud his leadership on that issue. We will miss him when he leaves the Senate.

This amendment establishes a commission on U.S. Cuban policy. The problem is it is totally irrelevant to the underlying legislation. It is an important issue, no question. But this deals with a controversial foreign policy matter, not a defense matter. It doesn't belong on the Defense authorization bill where we are funding programs that are vital to our national security. This is just one more issue that comes before the Senate and causes heartburn for all who are trying to get a Defense authorization bill passed.

I know it is of great frustration to the chairman of the committee, Senator WARNER, who is a strong and steadfast supporter of the fine men and women in our Armed Forces. We have the Senate Foreign Relations Committee; we have the House International Relations Committee. They are composed of Members who have been duly elected, as we were, by the American people. It is their responsibility to examine United States policy toward Cuba. I think those committees have done a commendable job in overseeing U.S. Cuban policy.

This administration has had almost 8 years to reexamine or redirect, if they so choose, a policy towards Cuba. Why a commission now, in the twilight hours of the administration, providing 8–4 representation of the President's party to ''reexamine U.S. policy toward Cuba''? As the Senator from Florida said, it is political. Why should this administration, with 6 months left, tie the hands of the next administration, whatever that administration is?

As the Senator from Connecticut said on the floor last Friday, the commission is supposed to take a new look at Cuba because the Senator believes current policy is not working. That leaves me to suspect that this commission is stacked and will have a predetermined outcome based on its flawed composition. We can make that case. I believe its objective is to support lifting the embargo originally supported by John F. Kennedy but given teeth by passage of the Helms–Burton law, signed by President Clinton. President Clinton wants to open relations now with Castro, appoint six members of the commission and, for the minority, two more. It is pretty obvious what the objective is.

I don't understand how the Senator from Connecticut could have so vigorously supported economic sanctions against South Africa, because of apartheid, but believes we should lift sanctions against Communist Cuba. As a matter of fact, Jeff Jacoby, in an article in the Boston Globe in 1998, said it best when talking about those who support this lifting of the embargo:

When they looked at the Filipino dictatorship, America's foreign policy said, ''Marcos must go.''

When they look at Chilean dictatorship, they said, ''Pinochet must go.''

When they looked at the Haitian dictatorship, they said, ''Cedros must go.''

Of Zaire they say, ''Mobutu must go.'' Of South Africa they said, ''Apartheid must go.'' Of Burma they say, ''SLORC'' (as the dictatorship is called) must go. Of East Timor they say, ''The Indonesian occupiers must go.''

But of Cuba, which bleeds under the bitterest and most implacable tyrannies on the planet, they say: The U.S. embargo must go.

You can't say it much better than that.

The Senator from Connecticut believes the embargo has impoverished Cubans. This is the old ''blame America'' argument. It is Castro who impoverished Cuba, no one else. We know that. Cuba trades with the rest of the world and its economy is still a basket case. That is because the Soviet Union is no longer in existence and no longer propping them up. The Senator from Connecticut says U.S. policy should not be focused on one individual. But it is that individual who dictated that trade with Cuba could only be conducted with himself and its ruling elite—no one else. So it is Castro who is the issue.

Cuba, according to the standards of the Department of State, is a state cosponsor of international terrorism. Why should America reward a declared terrorist nation by reconsidering our appropriate tough stance toward Fidel Castro and its cruel regime? Cuba is a major international trafficker of illegal drugs, drugs which fuel crime in this country, spousal and child abuse in this country, and other social ills in America which result in the deaths of some 14,000 young people every year.

Congressman BEN GILMAN, who chairs the International Relations Committee, called for a thorough investigation of Cuba's link to drug trade, noting seizure of 7.5 metric tons of cocaine consigned from Cuba.

I don't understand the logic of this issue, aside from the fact it is on the wrong legislation.

Our Drug Enforcement Administration testified that such a massive shipment did not represent the first time Cuba was involved in transiting illegal drugs. Regrettably, despite this enormous seizure, the administration declined to include Cuba as a major drug transit nation. Imagine, declining to include 7.5 metric tons of cocaine from Cuba, and yet we didn't see fit to list them as a major drug transit nation.

We don't need a taxpayers' subsidized commission to figure out what is wrong with Cuba. We have plenty of evidence, and it is Fidel Castro. The State Department lists Cuba in its annual State Department country reports on human rights practices, citing the deplorable record of abuse by the Castro regime. Amnesty International has condemned Cuba's human rights violations.

Last month, the United Nations Human Rights Commission condemned Cuba for the eighth time for its systematic violation of human rights.

Let's not forget something that is very important, which I do not think anyone else will bring up here today but I will. It has been stuck in my craw for a long time. That is how Cuba treated American POWs during the Vietnam war. I want to get into a little bit of detail because these people who did this are still free in Cuba, still have the opportunity to conduct their lives as usual. We have never brought them to justice.

From August 1967 until August 1968, a small detachment of Cubans, under the direct leadership of Fidel Castro, brutally tortured a select group of American POWs at a POW camp on the outskirts of Hanoi known as the Zoo, appropriately named. The goal of this Cuban detachment was most likely to

test new domination techniques and involved a combination of brutal physical torture and cruel psychological pressure.

During the first phase of this program, 10 American POWs were selected and separated from the remainder of the prison population. The POWs were then unmercifully beaten and tortured in ways I will not even discuss here on the floor of the Senate they were so bad. Other prisoners were often forced to watch what the Cubans did, torturing their cellmates. Despite their heroic efforts, by Christmas all 10 POWs were broken.

Not satisfied with breaking the 10 American POWs, the Cubans began to select a second group of POWs in early 1968 and the torture started again. John Hubbell, in his classic study of the POW experience in Vietnam, described one of the Cuban's victims:

> The man could barely walk; he shuffled slowly, painfully. His clothes were torn to shreds. He was bleeding everywhere, terribly swollen, and a dirty, yellowish black and purple from head to toe . . . his body was ripped and torn everywhere; hell cuffs appeared almost to have severed the wrists, strap marks still wound around the arms all the way to the shoulders, slivers of bamboo were embedded in the bloodied shins and there were what appeared to be tread marks from a hose across the chest, back and legs.

That POW later died as a result of his torture, and those individuals who did that still survive in Cuba. They still have not been brought to justice. We will lift the embargo right after we find out who those people were and we bring them to justice, Mr. President, with all due respect. The Cuban program ended in 1968. The North Vietnamese continued to utilize the barbaric methods that the Cubans taught them under the direction of Fidel Castro. They learned their torture well.

Who were these barbarians? Only Castro knows for certain. We should also demand that the Cuban murderers of the ''Brothers to the Rescue,'' unarmed civilian American pilots whom President Clinton promised would be punished in 1996, be brought to justice as well.

In Castro's Cuba, the Code for Children, Youth, and Family, provides for a 3-year prison sentence for any parent who teaches a child an idea contrary to communism. Imagine that, a 3-year prison sentence for any parent who teaches a child ideas contrary to communism. The code states that no Cuban parent has a right to ''deform'' the ideology of his children. And the State is the true ''father.''

That is parental rights, Cuban style. Welcome back to Cuba, Elian.

At the age of 12, children are separated from their parents for mandatory service in a work camp. According to the renowned Cuban dissident Armando Valladares, children in these camps suffer from venereal diseases and teen pregnancies which inevitably end in forced abortions.

You know what. We don't need a commission to figure this stuff out. We know what is going on. The best way to bring it down is to keep the pressure on Castro.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 40 minutes.

Mr. DODD. Mr. President, I will in a moment yield to my colleague from North Dakota to share some thoughts. Let me briefly respond to some of the statements that have been made here.

First of all, if we follow the same sort of logic that has been just suggested here, President Nixon never should have gone to China when there was hardly any freedom, when even free market principles were not thought of at the time. I suppose President Carter should not even have thought about the Camp David accords, given the reputation of the PLO. This body, under the leadership of JOHN MCCAIN and JOHN KERRY, should not even have thought about normalizing relations with Vietnam, if we had followed the logic just suggested. When it comes to how we establish relations and reach out, I suspect we wouldn't have had General MacArthur in Japan, and we would not be working with people in Germany. The list goes on.

Certainly to go back and recite the horrors of war and those who violated the Geneva accords when it comes to the treatment of POWs—I will not take a back seat to anybody in my abhorrence of what goes on.

What we are talking about is a commission to take a look at Cuban-U.S. policy. My colleagues who oppose this may want to say this is somehow lifting the embargo. I do think we ought to change policies. I think we ought to move in that direction. But I know full well I am not in a majority in that view in this Chamber. There are plenty of others who do not think we ought to do that but who support the idea of a commission to take a look at policy and how we might improve things.

We did this in other places. We did it under the Reagan administration in Central America; it was the Kissinger commission. We certainly had a Foreign Relations Committee there. In fact, the Foreign Relations Committee was at that time controlled by the majority party today. Yet a commission was established to take a look at how we might resolve and extricate ourselves from the conflict in Central America.

Today, under the leadership of Senator HELMS and the majority of the Foreign Relations Committee, we have a Commission on Terrorism. That is not because we don't have a Foreign Relations Committee or an Intelligence Committee. The thought was that we ought to step back a little bit and take a look at the issue of terrorism and recommend some policy ideas, how we might do a better job. I hope I do not have to go down the long list of commissions that have been established because people thought that made sense as a vehicle to determine new ideas.

I do not like this amendment on this bill either, frankly. I wish it were not on DOD. But I would not pick this one out. We have adopted some 45 amendments that have nothing to do with the DOD bill. They have been agreed to by the majority. If you are going to establish a rule that nothing is included unless it is relevant, you better go back and undo 50 percent of the bill.

I make the case this is more relevant than a lot of stuff on this bill because we are dealing with a national security issue that could become a serious problem. If you end up with great civil conflict in Cuba in a post-Castro period, where do you think the people are going to go? They are not going to travel to Colombia. They are not going to Mexico. They are not going to Europe. They are coming 90 miles to this country. Then we may look back and say: A commission and some ideas that might have abated that potential problem from occurring might have made some sense.

That is all the suggestion is here, to try to come up with some ideas that might ease potential problems that many people believe are coming down the line.

I don't want to keep reiterating the point. I do not believe the people I listed before, as ones supporting this commission, would necessarily believe this is somehow agreeing with Castro's policies in Cuba. When you go down the list of people such as George Shultz and Frank Carlucci and Malcolm Wallop—maybe people know something I don't know, but those people support a commission. Do you think Howard Baker is a supporter of terrorism? George Shultz thinks that Cubans were involved in dreadful acts against POWs but somehow does not care about that issue? I do not think so. Henry Kissinger and Frank Carlucci have somehow gone soft on the issues? I don't think so. They feel as strongly about it today as they have over the years. This does not tie our hands, a commission. This issue is not divided along partisan lines.

Does this President show partisanship when he asks John Danforth and Howard Baker to look at such issues as Los Alamos or the FBI conduct at Waco? Those are the people he appointed to a commission. I am talking about serious people who know something about making a recommendation to Congress. That is all it is. Some are trying to create a monster out of a commission, suggesting somehow this is contrary to our interest. It is in our interest to do it.

I am saddened, in a way, that my colleagues who disagree with me specifically on the issues might find some merit in the idea of doing this. This ought not be a place where it is seen as somehow anti one particular group or another. In fact, as I mentioned earlier, the commission would not be a bona fide commission, in my view, if it did not include people who disagree or who agree with the present policies.

Certainly, the Cuban American community, the exile community, for whom I have the highest respect—what has happened to them and their families is dreadful and deplorable. My view is our policy ought not to be determined in the United States by any small particular group. It is what is in the U.S. interest, not the interest of some group in our country. It should be in everyone's interest. The commission, in my view, will help us provide road signs and guidance on how we ought to proceed.

Lastly, with regard to the drug issue—and I pointed out a week ago—drug czar Barry McCaffrey has absolved the Cuban Government of allegations that it is involved in the drug trade and has called for greater cooperation with Cuba on drug policy. I do not think Gen. Barry McCaffrey is somehow weak when it comes to communism or drug issues. He has been as tough a drug czar as this country has had. Those are his views. In fact, he encouraged the idea that there be greater cooperation. We can never get that if one listens to the debate. It might make a difference.

Despite assertions by Castro's opponents in the United States that the Cuban Government and Castro personally are involved in the drug trade, the UN International Drug Control Program, the U.S. Drug Enforcement Administration, and Gen. Barry McCaffrey's office reject the claim. ''There is no evidence of Cuban government 'complicity with drug crime.''' That is a quotation from Gen. Barry McCaffrey.

The allegations about that are ludicrous. If one wants to be against the commission, be against the commission but do not raise issues that have nothing to do with the establishment of a commission which may help sort this out and avoid the very partisan bickering this issue has provoked over the years.

I have spoken longer than intended. My colleague is here, and I yield 5 minutes to him.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the amendment offered by Senator DODD from Connecticut. Fidel Castro has no supporters in the Senate. I deplore the miserable human rights record of the Government of Cuba and the lack of freedom that is accorded the folks who live in Cuba. I deplore the conditions that have persuaded and forced so many people to leave Cuba. So there is no support for the Castro regime in the Senate. That is not the issue.

The issue is an amendment that is a small step in the right direction to create a commission that will evaluate a series of things with respect to this country's policy about Cuba.

The commission will look for the development of a national consensus. I say to my colleague from Connecticut, I frankly think a consensus pretty much exists, not necessarily in this Chamber, but most of the American people believe that after 40 years of an embargo against the country of Cuba—40 years of an embargo that has not accomplished anything in terms of dislodging the Communist government in Cuba—the embargo has failed, and that there might be an alternative that can be used to find a way to bring freedom to that island.

Pope John Paul had some comments about these issues. I have been talking on the floor about the issue of continuing sanctions with respect to the shipment of food and medicine to Cuba. Just food and medicine, and that runs into great controversy.

This is what Pope John Paul had to say:

> Sanctions . . . ''strike the population indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living—things such as food, health, and education.''

Everyone in this Chamber knows in their hearts that when we take aim at a dictator, we hit poor people, we hit sick people, and we hit hungry people. That is the absurdity of having food and medicine as part of the sanctions.

Today in the Washington Times—and other newspapers—it says: ''White House ends embargo on trade with North Korea.'' We have decided we are going to trade with North Korea and not have an embargo or sanctions with respect to North Korea. We have debated in this Chamber permanent normal trade relations with China. China is a Communist country. North Korea is a Communist country. Cuba is a Communist country. Yet we have those who say we must maintain the embargo with respect to Cuba.

That is not what this amendment is about. This amendment is about a very modest step in the right direction to study a series of options with respect to policies this country has on the subject of Cuba.

I have been to Cuba. I have talked to dissidents in Cuba. Frankly, you will run into dissidents, the harshest critics of the Cuban Government, who will say: Fidel Castro uses current U.S. policy as an excuse for the collapse of the Cuban economy. If you say to Fidel Castro: Look around you, this economy has collapsed—he says: Yes, yes, of course it has collapsed. The American fist around the neck of the Cuban economy for 40 years, of course, is what caused that collapse.

Current policy with respect to Cuba is the most convenient excuse Fidel Castro has for a collapsed economy and for a government that does not work. He continues to use it year after year. I happen to think, as some dissidents do, that a much different strategy with respect to Cuba would probably very quickly hasten the exit of Fidel Castro from the scene.

I want to add another point. While we are, as a country, beginning to think more clearly about this subject of whether or not we should continue sanctions on the shipment of food and medicine—and we will remove those sanctions with respect to North Korea and many other countries—we have people rigidly insisting: No, we must maintain all of these sanctions with respect to Cuba. I ask them—aside from just the immorality of that policy, and I think it is basically immoral to use food as a weapon—I ask them to address family farmers.

I ask unanimous consent for 1 additional minute.

Mr. DODD. I yield 1 additional minute.

Mr. DORGAN. Mr. President, I ask them to address, for example, farmers in America, and explain to them why the Canadian farmers will sell to Cuba, why the European farmers will sell to Cuba, why the Venezuelan farmers will sell to Cuba, but American farmers who see their prices collapse are told: No, these markets, including Cuba, are off limits to you; we have sanctions. We want to penalize those governments, and included in those penalties is a desire to say we will not allow food and medicine to move to those countries.

I hasten to say I have no difficulty at all and fully support the proposition that our country should impose economic sanctions on countries that behave outside the international norm, but those sanctions should never, in my judgment, include food and medicine. That is, in my judgment, an immoral policy. The proposition offered by the Senator from Connecticut today is just the first modest step in beginning a national discussion about whether 40 years of failure with the current embargo ought to be continued, or whether there ought to be some new evaluation of new strategies dealing with Cuba. It is very simple.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. I hope my colleagues will support this modest and simple amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to yield 6 minutes to the distinguished chairman of the Foreign Relations Committee, Senator HELMS.

The PRESIDING OFFICER. Senator HELMS is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, as I look around the Chamber, I see nobody except myself who is old enough to remember a Prime Minister of Great Britain who went over to Munich, before the United States entered World War II, sat with Adolph Hitler and made a deal with him. He came back and he told the British people: We can have peace in our time. I trust this man.

Castro's own daughter has publicly condemned him over and over for the atrocities he has committed against the Cuban people. He is a bloodthirsty tyrant; and it is well known that he is. That is why I support the motion to table the amendment offered by my friend, CHRIS DODD, who is a member of the Foreign Relations Committee. We work together amiably and effectively, I think. I do so for several practical reasons—including the one I have just stated—that I hope Senators will bear in mind as they consider Senator DODD's proposal.

First, the proposal is to create a national commission on Cuba. I would remind the Senators here, and those who may be watching by television in their offices, that such a panel already exists. It is called the Senate Foreign Relations Committee, consisting of 18 Senators, all duly elected representatives of the American people. There is a similar committee over in the House of Representatives.

The Senate committee has been quite active on Cuba, as my friend, Senator DODD, will testify. In this session alone, we have held hearings on Castro's repression of the Cuban people. We adopted a resolution supporting a United Nations resolution on Cuba and even approved language that would modify the U.S. embargo on Cuba. I do not support the latter proposal—which was the Ashcroft amendment—but it was reported out of committee as part of a broader foreign affairs bill. In short, we have a committee on Cuba consisting of elected representatives of the American people. I think it works just fine, thank you.

Secondly, what on Earth has Fidel Castro done to earn the forbearance of the United States? Does every cruel dictator in the world deserve a commission to study how U.S. foreign policy has done him wrong? Why not a national commission on Iraq or Libya or North Korea or China?

The problem is not that U.S. policy toward Cuba has not changed. The tragedy for 11 million Cubans is that Fidel Castro has not changed.

U.S. policy toward Cuba is based on sound, clear principles. Our economic and political relations will change when Cuba's regime frees all prisoners of conscience, legalizes political activity, permits free expression, and commits to democratic elections.

But that bar is too high for Fidel Castro. That is his problem. It is not our problem. But making unilateral concessions to a dictatorship on its last legs is the worst sort of appeasement. Neville Chamberlain would be proud of this proposition.

Third, why single out Cuba? Is there any Senator who does not expect the next President of the United States to review our entire foreign policy across the board? A lot of Americans are counting the days when the United States has someone in the White House who will turn around our foreign policy for the better. That brings me to my fourth and final point.

It will be the prerogative of the next President of the United States to review U.S. foreign policy across the board and to formulate his own policies in close consultation with a new Congress. The next administration should not be saddled with the recommendations of a lameduck ''Clinton Commission'' on Cuba.

For these reasons, I hope Senators will vote to table the amendment of my friend, CHRIS DODD.

Mr. President, I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I yield 10 minutes to the distinguished Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. Senator GRAHAM from Florida is recognized for 10 minutes.

Mr. GRAHAM. Mr. President, 7 months and 75 minutes from today we will not be in this Senate Chamber. We will be standing, probably on the west-facing flank of the Capitol, hearing the next President of the United States being inaugurated into office.

What is the significance of that statement of fact and place to the debate we are having today?

The significance is that the issue before us today is not, What should be U.S. policy towards Cuba? The amendment that is before us proposes to establish a commission to try to answer the question, What should be U.S. policy towards Cuba?

In a few days, we are going to be debating a proposition to change the embargo as it relates to Cuba. But the question before us today on the issue of establishing this commission is, Who should have primary responsibility for establishing U.S. foreign policy and, specifically, foreign policy towards Cuba?

My answer to that question, of course, is, the people of the United States. The way in which the people of the United States will participate is not through an elite commission appointed by an administration in its last 7 months but, rather, through the electoral process which is going to take place in November of this year.

We are in the midst of a robust Presidential campaign in which many issues of domestic and foreign importance to the United States are being debated before the American people. Frankly, I think this has been one of the most constructive Presidential campaigns in recent years thus far. I hope it continues in that path from now to election day in November.

One of the issues which will certainly be debated during this Presidential campaign will be the issue of the United States relationship to Cuba. The American people will have an opportunity to participate, to understand, to add their opinions to this debate. Then they will decide. They will decide by the election of the next President of the United States of America.

Under our Constitution, the President has the primary responsibility for foreign policy. Why in the world would we today, on the day exactly 7 months before the next President will take the oath of office, support a proposition that would establish a commission dominated by members of the current President's administration, which would have the intention of shackling the range of options of the President that will be elected by the American people in November, thus frustrating the ability of the American people to influence what our policy should be relative to Cuba?

There are a lot of things that we can say about Cuba.

Clearly, Cuba is an authoritarian regime. Examples of that have already been cited. Cuba, within the last few weeks, has been cited again by the United Nations for its denial of human rights.

Cuba, within the last few days, has been again identified by Amnesty International as one of the egregious human rights violators.

Cuba has again been placed on the terrorist list of states, those states which support and harbor terrorist activities.

All of those issues are matters of public knowledge and record. All of those, I am certain, will be further debated at the appropriate time, when we commence the consideration of whether it is in U.S. national policy interests to loosen the embargo on Cuba.

But today the issue is not whether Cuba is an authoritarian state, a well-established principle but, rather, the question of whether we should lift from the hands of the American people and place into an appointed commission the primary responsibility for direction on our Cuba policy.

There is a ''common sense'' in these debates about Cuba, that the United States and Cuba are the only two nations in the world, that they are locked in a singular bilateral relationship.

The fact is, many countries in the world have various forms of relations with Cuba. Many of them have the type of relationship which I believe the advocates of this commission would like to see achieved for the United States; that is, open, political, and economic recognition and relationship. While the approaches to Cuba have been different among the countries of the world, the result of those approaches has been consistently the same.

What is the result of that policy, whether it is ours or the Canadians or the Spanish or a series of countries in Latin America? The result of that policy has been a continuation of 40 years of one of the most egregious violators of human rights, deniers of even the most basic principles of democracy, and a Communist economic system which has driven what had been one of the most affluent countries in Latin America into one of the most desperate countries in Latin America.

The idea that by the United States changing our policy, we are automatically going to have the effect of changing the policy of Fidel Castro in Cuba defies 40 years of other countries' efforts through an open, normal relationship with Cuba to achieve that result. I believe these are serious issues. They are issues which deserve to be decided by the American people through the electoral process.

The distinguished list of Americans cited by the proponent of this commission to establish such a commission signed their letter on September 30, 1998, almost 2 years ago. I wonder if these same distinguished citizens would be advocating this commission on the very eve of a Presidential election which will select a new President, whether they would advocate that in June of 2000 we should be removing from the hands of the American people and placing in the hands of this commission the primary responsibility to examine American policy towards Cuba; and, further, whether we should be establishing a commission which has such a narrow and quite obviously tilted orientation as to what the results would be.

If we look at what is required of the commission to evaluate, it is issues which are largely selected to determine in advance what the recommendations will be. For instance, missing from this list is what is one of the most fundamental questions of American policy towards Cuba; that is, what should we be doing now in order to influence the kind of environment that will exist in Cuba when the opportunity for real change is available. Will we have a Cuba that will make a change like Czechoslovakia, a velvet revolution from communism to democracy, or will we have a Romania, where thousands of people are killed, violence which scars the country even today.

The fact that some of these fundamental questions are left off the list of what should be the focus of American policy towards Cuba leaves me to believe that the purpose of this commission is to certify a foregone conclusion rather than do what the American people are going to do in the weeks between now and November, and that is have a thoughtful consideration of what are our real issues and interests in Cuba and how should we go about selecting a President who will carry out those real interests.

We are going to have an opportunity for a full and open debate. Some of that debate will occur soon and on this floor. Much of it will occur in the living rooms of the American people. We should allow the American people to decide this issue. In 7 months, we will be listening to a President inaugurated who, hopefully, in that inaugural speech, will make some comments about his feeling as to what the American people desire relative to our policy towards Cuba.

I urge that we vote for the motion to table this misguided and mistimed proposition of a lame duck commission on Cuba at this time and that we let the American people and the next President of the United States provide the leadership on this important foreign policy issue.

Mr. SMITH of New Hampshire. Mr. President, I yield 10 minutes to the distinguished Senator from New Jersey, Mr. TORRICELLI.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. TORRICELLI. I thank the Senator from New Hampshire for yielding the time.

If this argument seems familiar to my colleagues, it is because it is. We have had this debate three times in as many years, always to the same bipartisan conclusion.

I approach it today from several perspectives; first, from the institutions. Is what we are proposing and arguing to the American people really fair? The American farmer is being told in the midst of an agricultural crisis that if only you could sell some crops to Cuba, your problems would be relieved—11 million people in the Caribbean who earn $10 a month. Rather than coming to this floor honestly and dealing with agricultural crises and agricultural policies which have left farmers in my State and most States in genuine trouble, instead we hold up this false promise.

The truth is, Cuba can buy agricultural products from every other nation in the world today. From Australia, Canada, Argentina, they can buy corn and they can buy wheat. They do not. Yet the false promise is held on this floor that somehow, magically, they would buy those products from us. If they don't buy them from Canada, for the same reason they will not buy them from the Dakotas or Nebraska or Iowa—Cuba has no money. The average Cuban earns $10 per month. The Nation is bankrupt. Yet somehow Castro, in the last totalitarian state in the Americas, the most repressive dictator of human rights possibly in the world, is being seen somehow as victimized and the United States is the aggressor.

This argument has been made so many times but never seems to register with my colleagues. Let me say it again: Since 1992, the United States has issued 158 licenses for medicine—virtually every license request filed. We have given $3 billion worth of humanitarian assistance to Cuba. There is no relationship between two peoples on Earth where one nation has given more food and medicine to another than the United States to Cuba. We have given more food and medicine to Cuba than we have given to our closest ally of Israel or other nations struggling in Latin America. We have given food and medicine.

Say what you will about the policy, but be fair to the United States of America. We are a generous people. This policy has a moral foundation. No Cuban is suffering because of the U.S. Government. They are suffering because of Fidel Castro and failed Marxism. We have said it every year, and every year we return to the same point. It is not right and it is not fair to the United States.

Then we hear the argument that this has failed for 40 years, how could we go on? This policy was instituted by Bill Clinton in 1993 on a bipartisan vote with the leadership of a Republican Congress and a Democratic administration. Until then, there essentially was no embargo. You can say 40 years as long as you want; it does not make it true.

Until 1993, corporations were trading through Europe. Every American corporation was able to trade with Cuba through European affiliates. Until 1990, the Soviet Union was putting $5 billion worth of aid into Cuba. There was no embargo. Is 7 years too long to take a stand for the freedom of the Cuban people? We waited 50 years with North Korea.

We fought apartheid with an embargo for 30 years—the international community. With Iraq, we have waited 12 years. We can't give 7 years to try to bring some hope to the Cuban people in this moment of extraordinary despair?

Why do you choose this moment? Why now? The Clinton administration has but 7 months left in office. A new President, with a mandate of the American people, will want his own foreign policy, be it GORE or Bush. Yet you would saddle this new administration with a commission not of its choosing, with a policy not of its directive for 4 years that do not belong to Bill Clinton?

What message is this to Fidel Castro? It is not as if things in Cuba have gotten better. If, indeed, my colleagues

were coming to this floor and saying, you know, Senator, there has been an election, there is now an opposition threat, and the Cubans are now acting responsibly, they are finally recognizing the rights of our people and we must respond—in fairness to my colleagues, they don't even make that argument. Things are not getting better. Indeed, things are not even the same.

Human rights organizations have classified last year as the worst year in a decade for human rights in Cuba. This is the reality to which you respond. The U.N. Commission on Human Rights in Geneva voted to condemn Cuba several months ago, accusing it of ''continuing violations of human rights, fundamental freedoms, such as freedom of expression, association, and assembly.'' The U.S. State Department, a few months ago, called Cuba a totalitarian state that ''maintains a pervasive system of vigilance through undercover agents, informers, and rapid response brigades in neighborhood communities to root out any and all dissent.''

Since last November, Cuban police have detained 304 dissidents, restricted the movements of another 201, and have been holding 22 more for possible trials.

The Cuban statutes were changed last year to make it a felony to communicate with the U.S. Government, against the law to communicate with American Government agencies, or to be interviewed by the American media. This is the reality to which you are responding. I do not say it lightly, but it is a reward for deteriorating circumstances in Cuba.

Several years ago, in 1994, 72 men, women, and children attempted to leave Havana Harbor for Miami in a tugboat. They were intercepted. The Cuban police restricted their movements. They began to fire water hoses on the boat. Women held up 20 babies to show the police that they had infants on board, with a belief that this would stop the water hoses. Instead, the pressure increased. That day, 72 men, women, and infants went to the bottom of Havana Harbor. Several days later, the relatives asked permission to retrieve their bodies. They didn't get it that day; they haven't gotten it since. Those babies are at the bottom of Havana Harbor. This is Fidel Castro's Cuba. This is what you are responding to—a deteriorating, despicable situation.

There will come a change in American policy to Cuba. It is in the law. The burden is on Fidel Castro. It is the fault of his policies, not our own. Hold an election, allow a free press, allow free expression, release political prisoners, and everything is possible. You may disagree with that policy, but it is the law. It is bipartisan. But at least until you do, be fair to this country. We have not abused Cuba. Fidel Castro has abused Cuba.

Mr. DODD. Mr. President, how much time remains on either side?

The PRESIDING OFFICER. The Senator from Connecticut has 26 minutes. The Senator from New Hampshire has 11 minutes.

Mr. DODD. I yield 10 minutes to my colleague from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am a very strong supporter of the amendment offered by my colleague from Connecticut. Very simply, it is a no-brainer. It is a bipartisan commission to look at our policy, which is supported by good Republicans—Howard Baker and Jack Danforth, former Senators of this body. It is not directed at agriculture, it is not directed at other points raised on this floor; it is just a bipartisan commission to reassess our policy with Cuba. Nothing could be more simple, direct, and appropriate than that.

I also want to speak about Cuba with respect to trade. We have targeted Fidel Castro for four decades. For the last 40 years, believe it or not, we have maintained a special category in our trade and foreign policy with Cuba—a one-country category: Cuba. We have special legislation for trade with Cuba. We have special rules for travel to Cuba. We have a special system for claims on Cuba.

Why does Cuba get so much of our attention? When the United States began targeting Fidel Castro, we had very serious national security concerns. Castro was openly hostile to us. He was a Soviet client and just 90 miles away from us. Thanks to Soviet aid, he had military and economic muscle to make him someone to take seriously. Castro worked against the United States throughout the sixties, seventies, and eighties. Bankrolled by the Soviet Union, he exported revolution throughout the Western Hemisphere. He sent troops to support revolutionaries as far away as Africa. Castro backed international terrorists who targeted Americans. He was a clear adversary.

What is the situation today? Does Castro still favor revolution? I am sure he does. Does he still oppose American interests? Absolutely. But does he still have military and economic muscle to threaten our national security? The answer, obviously, is no.

The Soviet Union is now in the dustbin of history. Their demise cut off Castro's lifeline. Today, his economy is in shambles. With 11 million educated, dynamic people, Cuba produces only $22 billion a year. It only exports about $1.4 billion worth of goods. The Cuban economy remains stuck in the 1960s in terms of trade and technology.

Sugar is still the country's top export earner. Cuban farmers are forced to sell over half the country's agriculture output to the Government at below-market prices. Since Castro can no longer trade sugar for Soviet oil, his people suffer tremendously, for example, from rolling power blackouts. Since he defaulted on foreign debt payments in the 1980s, Cuba pays double-digit interest rates on short-term loans to finance sugar trade.

With this country in desperate financial shape, Castro is in no position to export revolution—none whatsoever. According to the Pentagon, Castro presents no real threat to our national security.

Times have changed. Forty years ago, Castro was a clear danger. Today, he is not a present danger. Has our policy toward Cuba changed? Not really. Cuba still occupies a unique position in American policy.

I believe it is time for the United States to have a normal relationship with Cuba, especially a normal trade relationship. I have cosponsored legislation which we passed here by an overwhelming margin last year to lift unilateral sanctions on food and medicine.

I believe we should go beyond this. We should repeal the laws that make Cuba a specific target. That includes the anti-Cuba laws we passed in 1992 and 1996, as well as other laws developed over the past 40 years. We should end our embargo of Cuba and eliminate the trade sanctions.

Last month, I introduced bipartisan legislation to end the Cuba trade embargo, the Trade Normalization With Cuba Act of 2000. Senator DODD, who is the main author of today's amendment, is one of the cosponsors of my bill to eliminate this special category we have created just for Cuba.

For the past 10 years, I have worked to normalize U.S. trade with China. I am working to end the Cuban embargo for many of the same reasons—first, and most importantly, to benefit the United States. Eliminating the embargo will provide economic opportunities for American workers, American farmers, and businesses.

Last week, a study was released on the impact of lifting the embargo on food and medicine—not the whole embargo, only on food and medicine. It concluded that American farmers and workers could sell $400 million in just agricultural products. The U.S. Department of Agriculture estimated a potential Cuban market of $1 billion.

The second reason to lift the embargo is to encourage the development of a Cuban private sector. Since he can no longer rely on Soviet subsidies, Castro has taken steps to allow for limited development of private business, mostly in service professions. Private business leads to a middle class which demands accountability of its government and a greater say in how things are decided.

The third reason to end the embargo is to increase our contacts. Normal relations allow us to bring our social and ethical values. That has an impact over the years.

Mr. President, we have in place a policy that has not worked for forty years. It was a different world in 1960. Ending the Cuba embargo is long overdue.

Mr. LEAHY. Mr. President, I have often expressed my opposition to our anachronistic and self-defeating policy toward Cuba, so I will be very brief. I strongly support this amendment and congratulate the senior Senator from Connecticut, Senator DODD, who has been the leader on this issue for quite some time.

It is profoundly ironic that the United States is about to lift sanctions against North Korea, where we have 37,000 American troops poised to go to war on a moment's notice, and yet we continue to impose an economic blockade against a tiny island that poses no security threat to the United States.

If the Elian Gonzalez fiasco has taught us anything, it is that Cubans and Americans are far more alike than different, and that the views of the Cuban-American community in Miami are both outdated and at odds with the overwhelming majority of Americans. Of course we abhor the repressive policies of Fidel Castro, but the issue is how best to prepare for the day when he is no longer ruling Cuba. That day is approaching, and the longer we wait to use the intervening period to build closer relations with that island nation, the worse it will be.

This amendment is extremely modest. As Senator DODD has said, it would normally be adopted on a voice vote. It should be. What is wrong with a commission, representing a wide range of views, to review a policy that has, by any objective standard, failed miserably? It is long overdue.

So Mr. President, I wholeheartedly support this amendment. When I visited Cuba a year ago the Cuban officials I met with repeatedly blamed the U.S. embargo for all that is wrong in Cuba. I could not disagree more. A great deal of the misery that the Cuban people suffer is caused by the absurd and oppressive policies of their own government. But the embargo is not blameless, and it is a convenient excuse.

We should eliminate that excuse. We should seek to promote democracy and better relations with Cuba through the power of our ideas and our economy, just as we are about to do with North Korea, and just as we are doing with China, Vietnam, and other countries with which we have profound disagreements. This amendment will set the stage for a new day in our relations with Cuba, and I urge other Senators to support it.

Mr. SMITH of New Hampshire. I yield 5 minutes to the Senator from Arizona, Mr. MCCAIN.

Mr. MCCAIN. I thank my colleague from New Hampshire.

I rise in opposition to the Dodd-Warner amendment. Let's make no mistake about this amendment. It is intended to presage a lifting of United States sanctions on Cuba. I do not believe the United States should change its policy toward Cuba. I believe Cuba should change its policy toward the United States of America.

I supported normalization of relations between the United States of America and Vietnam. That was based on a roadmap where, in return for certain specific actions taken by Vietnam, the United States would take actions in return. That took place. The Vietnamese troops left Cambodia. Reeducation camps were emptied. There was an increase in human rights and improvements made in a variety of ways which led to eventual normalization.

I don't expect Cuba to become a functioning democracy. It was a totalitarian, repressive government 30 years ago; it is a repressive, totalitarian government today. The latest example is two doctors who have been detained in Zimbabwe who wanted freedom, who are still not free, who are being brought back to Cuba for, obviously, horrific treatment because of their desire to no longer be associated with Castro's regime.

On July 23, 1999, Human Rights Watch issued a highly critical report on the human rights situation in Cuba. The report describes how Cuba has developed a highly effective machinery of repression and has used this to restrict severely the exercise of fundamental human rights, of expression, association, and assembly. According to the report: In recent years, Cuba has added new repressive laws and continued prosecuting nonviolent dissidents while shrugging off international appeals to reform and placating visiting dignitaries with occasional releases of political prisoners.

I urge every Senator to read Human Rights' reports on Cuba before we take steps to improve relations.

This is the same regime that sent its troops to Africa to further the cause of communism there. This is the same regime that continues to repress and oppress its people.

Not too long ago, Mr. Castro decided to allow people to operate a restaurant within their own homes. Somehow that became a threat to the state, and Mr. Castro shut down even that rudimentary form of a free enterprise system.

It is not an accident that the automobile of choice in Cuba today is a 1956 Chevrolet.

It is deplorable that Mr. Castro and his government should encourage young women to engage in prostitution in order to gain hard currency for their regime.

The latest manifestation is the detainment of two decent men who are doctors who wanted freedom.

There is no freedom in Cuba.

The day that Castro decides to allow progress in human rights, in the free enterprise system, in the exercise of the basic rights of men and women that we try to guarantee to all men and women throughout the world, is the day I take the floor and ask that we consider a roadmap or certain incentives for Mr. Castro to become anything but the international pariah that he and his regime deservedly are branded as today.

I thank the Senator from New Hampshire. Again, I am more than willing to lay out a roadmap for Mr. Castro to follow, but there has not been one single indication that Mr. Castro is prepared to even grant the most fundamental and basic rights to the citizens of his country, which is the reason they continue to attempt to flee his regime at every opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Connecticut.

Mr. DODD. This amendment is about the establishment of a commission on U.S. Cuban policy. This commission was recommended by Howard Baker, Frank Carlucci, Henry Kissinger, George Shultz, Malcolm Wallop, and William Rogers. This is not lifting sanctions. This is not taking a position where we have endorsed free travel or somehow sanctioned what the Castro government is doing. It is a commission. It is a commission to analyze U.S. policy. That is all it is.

It is pathetic to hear the opposition discussing the issue. Have we reached a point where we can't even discuss United States policy with regard to Cuba? If we had followed that policy, Nixon never would have gone to China. We never would have established a roadmap of Vietnam. President Bush and President Carter wouldn't have been able to do anything in the Middle East. Ronald Reagan wouldn't have met with Gorbachev and Yeltsin. There is a long list. You can't even sit down and talk about this issue.

I find it stunning, at the beginning of the 21st century, that we are so obsessed with this one individual that we are willing to squander building a relationship in a post-Castro period with 11 million people of Cuba. That is stunning to me.

We have listened to Members of Congress. I argue the leading dissident in Cuba, who has done time in jail, has suffered, his family suffers; all of the things my colleague has talked about, this individual has suffered. Don't listen to me; listen to him. Listen to his words, inside Cuba, not living in the luxury of democracy and freedom here but living inside Cuba.

I read the letter, as follows:

DEAR FRIEND, I am writing to you and to other U.S. lawmakers to assure you that the great majority of dissident groups and leaders in Cuba do not support the unilateral economic sanctions imposed by the government of the United States against the Cuban government. This position is clearly reflected in the last paragraph of the ''We Are

All United'' (''Todos Unidos'') proclamation approved last November 12th in Havana and signed by more than fifty dissident groups.

My friends and I recognize the moral and political support of many U.S. lawmakers for efforts to change Washington's policy towards Cuba that will end the current situation that harms the basis for free trade and coexistence between sovereign nations.

It is unfortunate that the government of Cuba still clings to an outdated and inefficient model that I believe is the fundamental cause for the great difficulties that the Cuban people suffer, but it is obvious that the current Cold War climate between our governments and the unilateral sanctions will continue to fuel the fire of totalitarianism in my country.

Moving forward towards fully normalized relations requires mutual respect between our two nations. Such as path will inevitably lead us to develop mutually beneficial relations that will assist the Cuban people in reconstructing our country while we preserve our independence, sovereignty and identity.

On behalf of the best interests of our people I invite you to support new proposals to end a conflict that has lasted more than forty years.

Sincerely,

ELIZARDO SANCHEZ SANTA CRUZ,
*Presidente, Comisión Cubana de Derechos Humanos y Reconciliación Nacional.*

Mr. President, again let me read a letter, if I may, signed by our colleagues a year and a half ago.

We the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This commission would follow the precedent and work program of the National Bipartisan Commission on Central America (the ''Kissinger Commission''), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region 15 years ago.

The letter goes on about all the reasons such a commission would make sense and how it should be formed.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate leadership and responsiveness to the American people.

Signed in this and a subsequent letter by the following Members: JOHN WARNER, ROD GRAMS, CHUCK HAGEL, JIM JEFFORDS, MIKE ENZI, JOHN CHAFEE, GORDON SMITH, CRAIG THOMAS, ROBERT KERREY, DALE BUMPERS, RICK SANTORUM, myself, DIRK KEMPTHORNE, PAT ROBERTS, KIT BOND, RICHARD LUGAR, PAT LEAHY, PAT MOYNIHAN, ARLEN SPECTER, JACK REED, THAD COCHRAN, PATTY MURRAY, PETE DOMENICI, and BARBARA BOXER.

That is about as bipartisan as it gets. That is a year and a half ago, with a significant number of our colleagues saying a commission makes some sense, to try to formulate a policy that would allow us at least to begin to analyze how our policy might improve in the coming years.

Those letters have already been printed in the RECORD earlier today.

Mr. President, last:

DEAR SENATOR WARNER, as Americans who have been engaged in the conduct of foreign relations in various positions over the past three decades, we believe that it is timely to conduct a review of the United States policy towards Cuba. We therefore encourage you and your colleagues to support the establishment of a National Bipartisan Commission on Cuba.

Signed by Howard Baker, former majority leader, U.S. Senate; Frank Carlucci, former Secretary of Defense under Republican administrations; Henry Kissinger, former Secretary of State; William Rogers, former Under Secretary of State in a Republican administration; Harry Shalaudeman, former Assistant Secretary of State under Republican administrations; and Malcolm Wallop, former conservative Republican Member of this body; Larry Eagleburger, former Secretary of State under President Bush.

Calling people Neville Chamberlain, citing all the horrors that go on that we know about in repressive governments—does anybody think these people, our colleagues here who signed these letters, former administration officials, myself, or others—somehow this is un-American for us to at least sit down in a cooler environment, to analyze how we might establish a better relationship with the nation of Cuba?

I really find it incredible. It is worrisome to me. It is worrisome to me that our own self-interest, the U.S. interest, could be so dominated by a relatively small group of people in this country who are able to provoke this kind of opposition to the simple idea of a commission that has been endorsed by leading Republican foreign policy experts as well as Democrats and Republicans in this Chamber across the board, representing the entire ideological spectrum.

What are we afraid of about a commission to look at these issues? That automatically it means we are going to be bound and shackled? What better timing than to have one right now, so we can absolutely provide some guidance? That is all it is. The new administration coming in sometime next spring, do they believe commission recommendations would bind them to some action? Have previous commissions bound other administrations? Cite one for me. Cite one, where a commission has bound this Congress to take action. There is not a single example of it. But this issue has become so inflamed here, you cannot even talk about a commission.

This amendment does not say lift the embargo on food and medicine. I support that. But that is not what this says. This amendment does not say you ought to travel freely to Cuba or any other country around the globe for that matter, although I support it. I don't like my Government telling me where I can't go. Let the Cuban Government tell me I can't come in, but don't have my Government tell me where I can't travel. In fact, it is about the only place in the world where our Government says that. We travel to all the other nations around the globe that harbor terrorists who are on the lists. The answer here is no.

No, this amendment merely says we ought to step back and take a cooler look at what our policy ought to be in the 21st century before we go much further and end up with a train wreck in Cuba, where we find people pouring to our shores, civil conflict persisting, and innocent and decent people in that country losing their lives.

Let me conclude on this point. I said earlier I have great respect for the exile community. I have great respect for what they have been through and what their families have been through. I have great respect for the people inside Cuba. I have been there. I have spent time with them. I have talked to people.

We owe it to them, we owe it to decent, good people who are not caught up in the foreign policies—I don't know how many of my colleagues saw the photograph yesterday of a mother and daughter embracing in Cuba. They would not give out their names because they went there illegally, because our Government prohibited that daughter from going to visit her mother 90 miles off our shore. A mother and daughter can travel to China, to Vietnam, Iran, Libya, almost anywhere else in the world, and we do not have a law prohibiting it. But that daughter could not visit her mother in Cuba unless she went illegally. I think we ought to review that policy. I don't think that makes me a radical or a revolutionary.

When we prohibit families from even spending time with each other, 90 miles off our shore, something is wrong. Something is wrong. The estimates are that thousands of Americans every year violate the laws of the United States by traveling to Cuba to see their family members. We ought not make their actions illegal. This amendment does not even address that issue. It just says let's look at the entire policy. That is all it does.

I suspect this amendment is going to lose. It is going to be tabled. I am saddened by that. I think it is a step backwards. As I said earlier, had we followed a similar policy with China and Vietnam and Korea, we would not have the kind of improvements we have seen today all across the globe. But because courageous and bold people did not let the past so cripple them they could not begin to deal with the future, there are prospects for peace on Northern Ireland and the Middle East today. There are even prospects for peace in the peninsula of Korea, even moving to improve substantially conditions in Vietnam and China. That is all because there were courageous, bold leaders. There

were the Richard Nixons who did not listen to the voices here who said: You cannot go to China. It is an outrageous government. It does not deserve the presence of an American President.

It was a pretty compelling argument. But that President said: No, I think we ought to try something new. At least try—try. Because he tried, there is hope today for a billion more people—more than a billion people in the PRC.

Because we had some courageous people who said let's at least try to break new ground in Vietnam, we have a roadmap. I cannot even sit down to determine whether or not we can have a roadmap if this amendment is defeated, when it comes to Cuba.

George Miller, Albert Reynolds, Tony Blair—Prime Minister, Gerry Adams, David Trimble—these people are told by their constituents: Don't you dare sit down with those Catholics. Don't you dare sit down with those Protestants. Don't you dare go to Belfast.

They said: I am going to go anyway, and I am going to try. I am going to try to make a difference because I am not going to live in the past. I am not going to live back then and just recite the litany of every wrong. I am going to try to make a better future for my children.

And they went. Today the facts are things are improving and there is a chance for peace. There is a chance. With North Korea, it is the same thing; the Middle East, it is the same thing. It has failed. It has failed again, but people keep trying. All I am saying is let's try. Let's just try. Let's sit back ourselves and see if we can try and do something different. Don't the 11 million people on that island country who care about that issue deserve that much? Isn't it in the national interest?

It is telling that there are people here who are so fixated and obsessed with Fidel Castro that they even want to deny a father and son being together. They are so fixated they would say a father and son should not be allowed to be together. There are those of us who made the point there are good parents in bad countries, just as there are bad parents in good countries and fathers and sons, mothers and daughters, fathers and daughters, and mothers and sons ought to be together.

I never thought asking for a bipartisan commission would demand courage saying to people who may be supporters and backers: I disagree with you on this one because we are going to try.

I regret it is on this bill. I do not have any other choice. If I do not offer it here, I cannot offer it. It is not like there are other vehicles available to me. My colleagues know the other bills are appropriations bills, and I am prohibited from offering this on an appropriations bill without getting a supermajority vote. I do not like doing it. Don't tell me not to do it here when this bill is cluttered, by the way, with nonrelevant amendments. I would not be offering it on this bill if I had some other choice. I do not. I regret that. I do not normally offer nonrelevant amendments on bills, but when I was left with no other choice, I felt I had to do it on this bill, and I thought this was the right time, a transitional period.

This is not about Clinton appointments, when the President appointed Howard Baker and John Danforth. He did not appoint partisan people. That will be the case here, in my view. It deserves an effort.

I urge my colleagues to support this. There will be a tabling motion. I am hopeful we will win. I am not all that confident because of what I have been told privately by many colleagues: They agree with this, they think I am right, but, once again, they just cannot support it at this time.

When is the right time? When is the right hour when we can at least make a difference and do something a bit courageous to at least sit back and see if we cannot come up with some better ideas. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire has 6 minutes.

Mr. SMITH of New Hampshire. Mr. President, I yield 3 minutes to the distinguished Senator from Connecticut, Mr. LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose this amendment to create a Commission on Cuba. I do so with some personal reluctance because of my deep affection and respect for my colleague from Connecticut who is the sponsor of the amendment and who I know is acting with the best of intentions. We simply have come to a different conclusion on this question.

Some might say: What can be the harm of a commission to study Cuban-American relations? I oppose the idea of a commission because I believe the current state of America's policy toward Cuba is right.

It has been sustained now over four decades. It began and has continued as a bipartisan policy which originates from Castro's Communist takeover of that country in 1959, and his attempts to spread communism to other parts of this hemisphere and to the world.

Although I think our policy has helped prevent Castro's communism from expanding to the Americas, thanks to the strong leadership of ourselves and other countries, his regime continues to subject the Cuban people to a form of government that deprives them of their basic and inalienable human rights. He is now one of the last of less than a handful of old-style Communist leaders, and his regime's human rights record remains abysmal.

Throughout my years in the Senate, I have been a strong supporter of our policy toward Cuba, and I remain a strong supporter because I believe it is right. It is based on principle, and Castro has done nothing to justify a change in that policy. In fact, every time we give him an opportunity to show he has changed, he refuses to take that opportunity.

I quote from the State Department's most recent Annual Human Rights Report for Cuba, issued in 1999:

> Cuba is a totalitarian state controlled by President Fidel Castro. * * * The Government continued to control all significant means of production and remained the predominant employer. * * * The Government's human rights record remained poor. It continued systematically to violate the civil and political rights of its citizens. * * * The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. * * * The Government denied citizens the freedom of speech, press, assembly, and association. * * * The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. Mr. President, this regime has done nothing to justify a change in our policy toward it. For that reason, I will vote against this amendment. I thank the Chair and yield the floor.

Mr. L. CHAFEE. Mr. President, although I will vote to table this amendment, I would like to make it clear to my colleagues that I support the concept of establishment of a bipartisan commission to study U.S. policy towards Cuba.

For years, an often emotional and politically charged debate on our Cuba policy has gone on here in the U.S. In such an atmosphere, it is often prudent to let a bipartisan commission take a careful look at our policy, assess how well it has worked, and make recommendations for change, if necessary. I think such a solution would be appropriate with respect to our policy towards Cuba.

However, I am not convinced that this is the proper time and place to create such a commission. Indeed, under this amendment many of the commissioners would be appointed by a lame-duck President, infringing on the ability of the new President to develop his own Cuba policy.

It has become increasingly clear that the 39-year U.S. trade embargo has not succeeded in effecting change in Cuba. Fidel Castro's regime remains in power, and the Cuban people continue to suffer under his brutal dictatorship and a floundering economy. I believe a bipartisan commission would be useful in taking a fresh look at the efficacy of our embargo. Now, however, is not the time to do this.

Mr. HOLLINGS. Mr. President, today I will vote with against tabling Senator DODD's amendment which creates a commission to evaluate United States policy with respect to Cuba. Contrary to the opinion of some in this Chamber, this amendment does not represent a seachange in our country's position toward Cuba or the Castro regime. The Castro regime remains totalitarian and profoundly anti-democratic. My contempt for Castro and his despotic rule over Cuba has not changed; I remain committed to spreading democracy to our island neighbor to the south. As Chairman of the Commerce, State, Justice Appropriations Subcommittee, I was a leading supporter of TV Marti and Radio Marti since their inception. Just last year as ranking member of this subcommittee, I fought a House attempt to ground TV Marti. I have supported spreading democratic ideas to the Cuba people during my entire career in public policy. However, much to my display and disappointment, our Cuba policy to this point has not yielded the desired results. As I look for answers that explain why this policy has failed, I believe creating a commission may provide the key to understanding. I want an expert panel to review our policy towards Cuba to search for the facts. Only then can we accurately determine what policy changes, if any, should be pursued.

Many of my colleagues will remember the revolution in Cuba and the overthrow of the Batista regime. I remember it well. I also remember the United States at the brink of nuclear war in October 1962. American U–2 planes spotted Russian ballistic missiles sites on Cuba and tested the resolve of the young American President to respond to the threat. Many Americans, including this Senator, were hardwired to despise the Cuban regime as a result of these two tumultuous events.

In the 1970s and 1980s the Cuban regime destabilized Central America with inflammatory revolutionary rhetoric and aided socialist movements in the region. Cuban revolutionaries exported their vitriol to faraway Bolivia and Angola in Africa. The national security risk posed to our shores by Castro during the Cold War was palpable and I challenge anyone who believes otherwise. The hardline policies that successive administrations put in place to counter and neutralize the Castro regime were a necessary and appropriate response to that risk.

The political landscape is very different now. Just today I read about our thawing of relations with North Korea. The Clinton administration has formally eased ''wide-ranging sanctions'' imposed on North Korea nearly 50 years ago. This is something that I did not believe would happen for many years given the security concerns on the peninsula and the heavy presence of the United States military. This action is curious to me especially given our characterization of North Korea as a ''rogue'' state. It was reported in today's Washington Post that Secretary Albright has replaced the ''rogue state'' designation with the less confrontational term—''states of concern.'' Maybe this explains our departure in policy toward North Korea. Regardless, we are engaging a country that has the capability to threaten the United States in ways that Cuba will never be able to do.

My support for Senator DODD's Cuba amendment is a vote for a comprehensive review of U.S. foreign policy toward Cuba. This amendment is not flimflam election-year politicking. To the contrary, the commission makes recommendations to the next President of the United States and not the Clinton administration. The amendment provides for a commission composed of a dozen experts from a wide range of disciplines, half to be appointed by the President and half by the Congress. The commission will be bipartisan and should include heavyweights in American foreign policy—Henry Kissinger, George Shultz, and Howard Baker, for example—to provide distinction to the policy recommendations.

This panel would also make United States policy recommendations with respect to the indemnification of losses incurred by U.S. certified claimants with confiscated property in Cuba. Should we achieve the goal of political reform in Cuba, the United States government needs to prepare itself for the resulting confusion and complex legal questions. An ounce of prevention is worth a pound of cure. The regime in Cuba has been constant for many years but nonetheless we should be ready for an abrupt internal political change in Cuba. To refuse to plan for a post-Castro Cuba, indeed the current endgame of American foreign policy towards Cuba, is myopic. We need to be prepared for developments in Cuba and this Commission is an important first step.

It has been argued that the United States is not on trial here, and that the Castro government needs a public policy review. I do not take exception to this but rather believe that the commission should look at changes for the Cuban government to adopt. As a Senator charged with making foreign policy for this country, I support this amendment because it provides our President with a road map of how to achieve its foreign policy goals with respect to Cuba. The President can accept or refuse the recommendations, whatever they may be. It would be the President's prerogative.

Mr. MCCAIN. I rise in opposition to the Dodd amendment establishing a commission to evaluate U.S.-Cuban relations.

Ordinarily, Mr. President, I find it difficult to rationalize opposing a study of a complex issue. I do not have such difficulties, however, with regards to the amendment before us today. Make no mistake, the commission proposed in the Dodd amendment is intended to presage a lifting of U.S. sanctions on Cuba, and to do so by presenting a false dichotomy involving United States policies in other regions of the world.

For 40 years, Fidel Castro has run Cuba as a totalitarian bastion in the Western Hemisphere, his policies in Latin America and the Caribbean and on the African continent have been and continue to be implacably hostile to U.S. interests. He was driven in that direction, as some would have us believe, by U.S. opposition to the revolution that he continues to seek to foster beyond his shores. Rather, he rose to power dedicated to undermining U.S. influence abroad and has never—not once—deviated from that path. The fact that his ability to act abroad has been severely curtailed since the demise of the Soviet Union has not dampened his ardor for spreading the gospel of Marx and Lenin wherever he finds a receptive audience.

Virtually every day, we are provided reminders of the anachronistic dictatorship near our shores. Most recently, the case of two Cuban doctors who defected in Zimbabwe—a country itself in the throes of turbulence stemming from its adherence to authoritarian policies—illustrates yet again the desire of the Cuban people for the freedom that swept that country's former allies in Eastern Europe and across Latin America. A 1999 report by Human Rights Watch on Cuba described its development of ''a highly effective machinery of repression'' that it has used ''to restrict severely the exercise of fundamental human rights of expression, association, and assembly.'' The report continues, noting that, ''in recent years, Cuba has added new repressive laws and continued prosecuting nonviolent dissidents while shrugging off international appeals for reform and placating visiting dignitaries with occasional releases of political prisoners.''

Similarly, the State Department's annual report on human rights states that the

> . . . authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyer, often with the goal of coercing them into leaving the country.

Let me emphasize, Mr. President, that Cuba is not an authoritarian regime that holds promise of transitioning to a free-market economy with gradual democratization,

such as has occurred in other countries. It remains a staunch Marxist dictatorship providing no freedom whatsoever. Rare instances where minor economic freedoms were permitted were rapidly retracted when it became obvious that capitalism provided a viable and desirable alternative to state socialism.

On the security front, we should not be deceived by the straw man argument that the absence of a military threat to the United States from Cuba undermines the current U.S. policy towards that country. Few among us believe such a threat exists. What does exist, however, is a continued effort at undermining democracy in Latin America and in Africa, and in undermining the U.S. position in those regions. Cuba's continued hosting of the Russian military's main signals intelligence facility at Lourdes remains a threat to U.S. national and economic security. According to the liberal Federation of American Scientists, the strategic significance of the Lourdes facility ''has possibly grown since 07 February 1996 [pursuant to a] directive from Russian President Boris Yeltsin directing the Russian intelligence community to step up the acquisition of American and other Western economic and trade secrets.''

Additionally, the United States must remain wary of the future of the Soviet-designed nuclear reactors at Cienfuegos. Any accident at these facilities—understanding that they remain uncompleted—would directly and severely impact the eastern seaboard of the United States.

The political and security situations vis-a-vis Cuba can be summarized by quoting directly from Secretary of Defense Cohen's May 1998 letter to then-Chairman of the Armed Services Committee STROM THURMOND:

> While the assessment notes that the direct conventional threat by the Cuban military has decreased, I remain concerned about the use of Cuba as a base for intelligence activities directed against the United States, the potential threat that Cuba may pose to neighboring islands, Castro's continued dictatorship that represses the Cuban people's desire for political and economic freedom, and the potential instability that could accompany the end of his regime depending on the circumstances under which Castro departs . . . Finally, I remain concerned about Cuba's potential to develop and produce biological agents, its biotechnology infrastructure, as well as the environmental health risks posed to the United States by potential accidents at the Juragua nuclear power facility.

Mr. President, I supported the establishment of diplomatic and trade relations with Vietnam because that country met a set of carefully established criteria that brought it in our direction, and did not force the United States to move in its direction. I would fully support a similar approach to Cuba. We don't need a commission to study our relations with Cuba; what we need is to establish a road map that the Castro regime must follow in order to facilitate a lifting of the sanctions it purports to find so odious. As with Saddam Hussein and Kim Il Sung, Castro has within his power the ability to fundamentally transform his country for the better and to reintroduce it fully into the community of nations. The ball is in Castro's court. Whether he possesses the wisdom to do what is right, unfortunately, is sadly unlikely.

The PRESIDING OFFICER. The Senator from New Hampshire has 2 minutes.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that on the expiration of the 2 minutes Senator WARNER, the chairman of the Armed Services Committee, be allowed to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, in closing, I want to respond to a few remarks that have been made. The Sun-Sentinel, in an article entitled ''Why Trade With Such A Deadbeat?'' says:

> If the U.S. trade embargo is lifted and Castro gets fresh U.S. lines of credit to buy American products that Castro can't and won't repay, it will be the American taxpayer who will then be stuck with the bottom line.

Our colleagues should be reminded of the fact we will extend credit, but we will wind up paying for it because Castro will write off the debt and will not bother taking the time and trouble to pay us back.

Also, the School of International Studies, University of Miami, points out:

> Without major internal reforms in Cuba, the Castro Government and the military, not the Cuban people, will be the main beneficiary of lifting of the embargo.

I respond to my colleague who made a point of saying Nixon went to China in 1972. Look at China today: forced abortions and some of the worst human rights violations in the history of mankind. There is still a regime in power that represses human rights worse than any regime in history.

Let's compare that to Ronald Reagan who stood up to the Soviet Union and said: This is the evil empire, and I will not back down in doing the right thing, which is to keep the pressure on them until they fade away.

The differences in history are pretty obvious. It is not that difficult to understand. Cuba was a small country when Fidel Castro took power, and now 1.5 million people have left that country. We should not be working at all to remove the embargo from that country.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I ask unanimous consent that I be recognized to speak on this issue for not to exceed about 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3267

Mr. WARNER. Mr. President, the situation is as follows: For close to 2 or 3 years, I have been working with my good friend, Senator DODD, on a wide range of issues relating to Cuba. Senator DODD and I have spent a great deal of time studying and, indeed, traveling in relation to this matter. It is our belief that we should, as a nation, remove those legal impediments, to allow food and medicine to go into Cuba. We embarked on the effort to legislate, to have the Senate adopt measures to allow food and medicine to go into Cuba.

I remember one of our former distinguished colleagues, Malcolm Wallop, brought into my office some American physicians who had undertaken to travel down to Cuba to see for themselves the plight of these people who have been denied up-to-date, state-of-the-art medical equipment. Cuba has good doctors, but they have not the medical equipment nor the medicine. Anyway, those efforts failed.

In the course of the Elian Gonzalez case, it became apparent to me that America—outside of Florida and elsewhere—began to wake up to the relationship between the United States and Cuba and the inability, over 40 years, to succeed in our goal to allow that nation to receive a greater degree of democracy, trade, and other relationships.

So Senator DODD and I have at the desk an amendment, the Warner-Dodd amendment, calling for the appointment of the commission. It is essentially the same as the Dodd amendment that is up now.

But as a manager of this bill and, indeed, the chairman of the Armed Services Committee, I have to decide my priorities. My priorities are that this bill is in the interest of the security of this Nation; $300-plus billion providing all types of equipment for the men and women of the Armed Forces—salary, medical care for retirees. The committee has worked on this bill for 6 months.

This issue of the commission to determine the future relationships between the United States and Cuba is not germane. I thought perhaps we could discuss it, so I offered the amendment, and it is now the pending business. But it is clear to me that this piece of legislation could become an impediment for this bill being passed.

I have no alternative but to say two things. One, I remain philosophically attuned and in support of the Warner-Dodd amendment, which is at the desk. At some point in time, I hope to rejoin the effort, with others, to try to bring about some of the objectives in the Warner-Dodd amendment. But it has to

be withdrawn at this time in order for this bill to move forward and the Dodd amendment to be considered.

AMENDMENT NO. 3267, WITHDRAWN

So at this time, Mr. President, I ask unanimous consent that the Warner-Dodd amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 3267 is withdrawn.

Mr. WARNER. Mr. President, I thank my colleagues for their cooperation.

I see my colleague from Florida is here. I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. There is a previous order.

Under the previous order, the Senator from Washington is recognized to offer an amendment.

Mr. WARNER. If I have some time under the UC agreement, I yield it to my distinguished colleague from Florida.

AMENDMENT NO. 3475

Mr. MACK. Mr. President, I merely seek recognition to move to table the Dodd amendment No. 3475, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MACK. I understand that vote will take place at 3:15 p.m. among three stacked votes, I believe.

The PRESIDING OFFICER. There are four stacked votes; that is correct.

Mr. WARNER. Mr. President, consistent with what I said earlier, I will have to support the motion to table so that this amendment is not an impediment to the passage of the bill.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business and that the time not be counted against the time reserved for the Senator from Washington.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me first thank my colleague from Washington for her courtesy in allowing me to speak for a few minutes on a very important matter that is of great significance to parts of my State and other States, as well.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 2755 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized to offer an amendment on which there will be 2 hours of debate equally divided. The Senator from Washington.

AMENDMENT NO. 3252

(Purpose: To repeal the restriction on the use of Department of Defense facilities for privately funded abortions)

Mrs. MURRAY. Mr. President, I call up my amendment at the desk, No. 3252, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Ms. SNOWE, Mrs. BOXER, Ms. MIKULSKI, Mr. SCHUMER, Mr. JEFFORDS, and Mr. DURBIN, proposes an amendment numbered 3252.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 270, between lines 16 and 17, insert the following:

**SEC. 743. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.**

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''RESTRICTION ON USE OF FUNDS—''.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add as cosponsors Senators BOXER, MIKULSKI, SCHUMER, JEFFORDS and DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I thank the Chair.

Mr. President, today we are offering the Murray-Snowe amendment. It is an amendment which would lift restrictions on privately funded abortions at military facilities overseas.

This is the identical amendment we have offered every year since 1995, and I assure my colleagues that we will continue to offer this amendment until we restore this important health care protection for our women who are serving abroad.

It is simply outrageous that today we deny military personnel and their dependents access to safe, affordable, and legal reproductive health care services. We ask these women to serve their country and defend our Government, but we deny them basic rights that are afforded all women in this country.

I come to the floor year after year during this DOD authorization in an effort to educate my colleagues in the hope of convincing a majority of them to stand up for all military personnel. I also offer this amendment to highlight the record of those who do stand up for women and their right to a safe and legal abortion at their own cost.

To be clear, this is not about Federal funding of abortion. Many of our military personnel serve in hostile areas or in countries that do not provide safe and legal abortion services. Military personnel and their families who serve us overseas should not be forced to seek back alley abortions or abortions in facilities that do not meet the same clinical standards we expect and demand in this country. Sadly, that is exactly the case today.

Protecting all military personnel and their dependents has always been a priority of the Department of Defense, which is why the Secretary of Defense supports the amendment Senator SNOWE and I are offering today. This amendment is also supported by the American College of Obstetricians and Gynecologists because they recognize the danger that these women face outside this country.

Some Members will undoubtedly argue that women are afforded access to a legal and safe abortion with the current restriction in place. They will point out that under the current policy, a woman who needs an abortion can request transportation back to the United States for treatment. It is true that she can request a temporary leave from her commanding officer and will be transported at the expense of our military to a location where she would have access to an abortion. To me, that is unacceptable. It forces a woman to provide detailed medical evidence and records to her superior officer with no guarantee or protection that this information will be kept confidential. Then once she gets the commanding officer's permission, she needs to find transportation home, often on a military plane, such as a C–17.

I don't know of any other medical procedure that requires a soldier to have to endure such public scrutiny. If there are Members who believe that these women are protected and have access to a basic right that is guaranteed by our Constitution to a safe and legal abortion, I will tell my colleagues this is not the case. Do not be fooled. The current ban on privately funded abortions at military facilities overseas places the women who serve our country in great danger.

This amendment is not about Federal funding of abortions. This amendment does not require direct Federal procurement for abortion services. This amendment would, in fact, require the woman, not the taxpayer, to pay the cost of her care at a military facility. This amendment would simply allow the woman to use existing facilities that are currently operational to provide health care to our active duty personnel and their families.

This amendment does not call for providing any additional services. It is simply services that are already available. These clinics and hospitals are already functioning and providing care. There would be no added burden. For those who are concerned about Federal tax dollars being used to provide abortion services, I point out that the current practice results in more direct expenditures of Federal funds than simply allowing a woman to pay for the

cost of abortion-related services at a military facility. Current policy requires transportation costs that in some cases could be far more expensive than a privately funded abortion.

I also point out that there is a direct, positive impact on our military readiness when a woman is forced to take extended leave to travel for an abortion.

As we all know, women are no longer simply support staff in the military. Women command troops and are in key military readiness positions. Their contributions are beyond dispute. While women serve side by side with their male counterparts, they are subjected to an archaic and seemingly mean-spirited health care restriction. Women in our military deserve more respect and better treatment.

I think it is also important to remind my colleagues that this amendment will not change the current conscience clause for medical personnel. Health care professionals who object to providing safe and legal health services to women could still refuse to perform an abortion. No one in the military would be forced to perform any procedures that he or she objected to as a matter of conscience.

The current policy places our women at risk. Because the current policy is so cumbersome, women could be forced to undergo an abortion later in their pregnancy when risks and complications increase. They can, of course, try to obtain safe and legal abortion services in the host country in which they are serving—if there are no language or cultural barriers that hinder their access.

We should not tolerate situations that are occurring, such as what occurred to a woman serving our country in Japan. Because of our current policy, she was denied access to abortion services at the military facility, even at her own expense, and she was forced to go off base to secure a safe and legal abortion. She had no escort and no help from the military as she went to a foreign facility. She didn't understand the medical questions or the instructions, and she was terrified. I have her letter, and I will read it into the RECORD later. Our Government should never have forced her, as she was serving us overseas, into that circumstance.

Regardless of what some of my colleagues may think about the constitutional ruling guaranteeing a woman the right to a safe abortion without unnecessary burdens or obstacles, this is the law of the land. While some may oppose this right to choose, the Supreme Court and a majority of Americans support this right. It is the law of the land. However, active duty servicewomen stationed overseas surrender this right when they make the decision to volunteer to defend all of us. It is sadly ironic that we send them overseas to protect our rights; yet in the process we rob them of vital constitutional protections.

I urge my colleagues to support the Murray-Snowe amendment. Please allow women in the military the right to make their own health care choices without being forced to violate privacy and jeopardize their health and their careers. This is and must remain a personal decision. Women should not be subject to the approval or disapproval of their coworkers.

I stress this is not about Federal funding of abortions. This is about protecting women serving overseas and providing privately funded, safe, and legal abortions. I urge my colleagues to support our women in uniform by restoring their right to choose.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, as chairman of the Personnel Subcommittee on Armed Services, I rise in strong opposition to the Murray amendment which allows abortion on demand in military facilities overseas.

I oppose the pending amendment because, No. 1, it is unnecessary. It is a solution in search of a problem. No. 2, it violates the letter and spirit of existing Federal law; that is, the Hyde amendment which prohibits Federal funding of abortion. In fact, that is the issue involved in this amendment. It is a subsidizing of the abortion procedure. Third, if it were adopted, it would likely accomplish very little while providing a Federal endorsement of the practice that is opposed by tens of millions of Americans.

My colleagues contend that the Murray amendment is a banner of constitutional rights. I think that argument is disingenuous. The current statute does not preclude servicewomen, serving overseas, from obtaining abortions. Women serving overseas already have the opportunity to terminate their pregnancy because the Department of Defense will provide them transportation either to the United States or to another country where abortion is legal for only $10. That is the cost of the food on the flight.

To say there is a constitutional right that is abrogated is incorrect. In 1979, the Congress adopted what has come to be known as the Hyde amendment. The Hyde amendment has been upheld by the U.S. Supreme Court as constitutional. It prohibits the use of Federal funds for performing abortions. The Hyde amendment has broad support in the Congress, and in fact it has broad support by Americans in general.

I know my colleagues claim that Federal funds would not be used in these abortions, that women would pay for their own abortions, ostensibly by reimbursing the hospital, although that raises a host of questions that I hope we have time to pose for Senator MURRAY. But they can't possibly reimburse the hospital for the total cost of the abortion because the military hospital is 100-percent taxpayer funded. The building itself is built with taxpayer funds.

Do we intend, under the Murray amendment, to allocate a portion of the cost of the building of that hospital's facilities to the servicewoman seeking an abortion? The beds, the utilities, the salaries of those performing the procedure, these costs come out of the pockets of taxpayers, millions of whom believe abortion is a reprehensible practice.

Abortion should not be a fringe benefit to military service. We can't avoid the fact that adoption of the Murray amendment would be clearly inconsistent with the current U.S. statute prohibiting the current funding of abortion. It not only departs from the letter of the Hyde amendment; it departs from the spirit of the Hyde amendment intended to protect the American taxpayer who has a conviction against the practice of abortion from being forced to subsidize and pay for the abortion procedure.

My colleagues contend that this is simply a matter of choice. Let's talk about choice for a moment. What about the choice of people who believe that abortion is inimical to their dearest values? What about the choice of taxpayers who don't want to subsidize the termination of life?

I find it significant that during 1993, when President Clinton liberalized the practice of abortion in military hospitals, killing of the unborn in military hospitals, every single military physician and nearly every military nurse refused to volunteer to perform such procedures. The President issued his executive memorandum permitting abortion on demand at military hospitals on January 22, 1993—ironically, the 20th anniversary of Roe v. Wade. The fact that no doctors and almost no nurses volunteered to perform this procedure I think indicates that such a scenario would likely repeat itself if the Murray amendment were adopted.

Since military health care professionals cannot be forced to perform such a procedure against their conscience, as Senator MURRAY has said, the military will then be forced into a position of having to contract out the performance of such procedures to a civilian physician, which would in itself violate the Hyde amendment by requiring the expenditure of taxpayers' funds to pay for that contracted physician.

Having to hire abortionists at U.S. military hospitals puts the U.S. military in the abortion business. I find that appalling, something that is not supported by the American people. It is not supported by people on either side of the choice issue, whether pro-choice or pro-life. They do not believe we ought to be expending American taxpayers' dollars in subsidizing abortion.

This amendment, whether it is intended or not, would have that result—from the fact that we cannot totally allocate those costs, we are using a military hospital building built by taxpayers' dollars, using doctors whose salaries are paid by taxpayers, using equipment, using support staff—of all being paid for by the taxpayer. There is no conceivable way to calculate what that person should pay to reimburse the Government. The result is that the taxpayers are going to be subsidizing the practice. If in fact doctors in the military react the way they did in 1993, when the President, by executive memorandum, issued the order that we were going to provide abortion on demand in military hospitals, if they react the same way, we would then be in the position of having to go into the civilian sector, contract with doctors who are willing to perform abortions, and pay them with American taxpayers' dollars—clearly, and explicitly, in violation of the Hyde amendment.

I find this whole debate to be an exercise in irony. The purpose of our Armed Forces is to defend and protect American lives. We should not then subvert this noble goal by using the military to terminate the lives of the innocent among us.

What the Murray amendment would do, in the opinion of this Senator, is to create a kind of legal myth: We are not subsidizing abortions, but we really are. We are saying we are not but in fact we know we are. Let's pretend we are not subsidizing abortions. We know they are in military hospitals performed by military doctors paid by American taxpayers. We know it is supported by taxes paid by American taxpayers. We know the equipment used is bought and paid for by American taxpayers. But we are not really subsidizing it. That is a legal myth and it simply does not measure up.

There is a concept called the slippery slope. I suggest allowing abortions to be performed in U.S. military hospitals overseas is just one little more slide down that slippery slope.

I ask a letter from Edwin F. O'Brien, the Archbishop for the Military Services, dated June 19, 2000, in opposition to the Murray amendment, be printed in the RECORD, and I reserve the remainder of my time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARCHDIOCESE FOR THE
MILITARY SERVICES, USA,
*Washington, DC, June 19, 2000.*

DEAR SENATOR: As one concerned with the moral well being of our Armed Services I write in regards to the FY 2001 National Defense Authorization Act, S. 2549.

Please oppose an amendment by Sen. Patty Murray that would pressure military physicians, nurses and associated medical personnel to perform all elective abortions. This amendment would compel taxpayer funded military hospitals and personnel to provide elective abortions and seeks to equate abortion with ordinary health care.

The life-destroying act of abortion is radically different from other medical procedures. Military medical personnel themselves have refused to take part of this procedure or even to work where it takes place. Military hospitals have an outstanding record of saving life, even in the most challenging times and conditions.

Please do not place this very heavy burden upon our wonderful men and women of America's Armed Services and please oppose any other amendments that would weaken the current law regarding funding of abortion for military personnel.

Thank you for your kind consideration of this message.

Sincerely,

EDWIN F. O'BRIEN,
*Archbishop for the Military Services.*

The PRESIDING OFFICER. Who yields time?

Mr. HUTCHINSON. Mr. President, I yield up to 10 minutes to my colleague from New Hampshire, Senator SMITH.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I rise to oppose the Murray amendment. Under current law, performing abortions at military medical facilities is banned, except for cases where the mother's life is in jeopardy or in the case of rape or incest. So what this amendment would do is strike this provision from the law, thereby, in my view, turning military medical treatment centers into abortion clinics. I think we have to think hard about that, whether or not that is really the purpose of military medical treatment centers because that is the bottom line. That is what this would do.

The House recently rejected a similar amendment by a vote of 221–195. It was offered by Representative LORETTA SANCHEZ of California. A number of pro-life Democrats joined with Republican colleagues to defeat this amendment.

In 1995, the House voted three times to keep abortion on demand out of military medical facilities before the pro-life provision was finally enacted into law. Over and over again in Congress, we had votes. Last year, I think it was 51–49. It was very close. I will not be surprised to see the Vice President step into the Chamber, anticipating a possible tie vote, because this administration is the most abortion-oriented administration in American history. I think we can be treated, probably, to that little scenario as well. I think that shows a stark difference between the two candidates for President of the United States, I might add.

When the 1993 policy permitting abortions in military facilities was promulgated, many military physicians as well as many nurses and supporting personnel refused to perform or assist in these abortions. In response, the administration sought to supplement staff with contract personnel to provide alternative means to provide abortion access.

This is a very sensitive situation. You may have a military nurse or person who is a member of the military who works at that hospital who may be opposed to abortions, does not want to perform them. So when that happens, the President now has asked that we get contract personnel to come in because people opposed to this on a moral basis, because of conscience, refuse to perform them. That is basically the way it is in American society today.

The dirty little secret about the abortion industry is the doctors who perform them are not really considered to be the top of their profession. In fact, it is usually the dregs who are performing the abortions, not the good doctors. So if this amendment were to be adopted, not only would taxpayer-funded facilities be used to support abortion on demand, but resources, Government resources, would be used to search for, hire, and transport new personnel simply so abortions could be performed on demand.

It would be nice if we could spend a little time debating the defense budget on the Defense bill. I sat through 2 hours of one nongermane amendment a while ago on Cuba sanctions, now abortions on demand, where we are talking about bringing all kinds of new people, a new bureaucracy, if you will, who are to hire, transport, search for personnel to perform abortions because people of conscience in the military do not want to perform them, so we, therefore, have to replace them.

As the Congressional Research Service confirms, a 1994 memorandum from the Assistant Secretary of Defense for Health Affairs directed the Military Health Services System:

> . . . to provide other means of access if providing prepaid abortion services at a facility was not feasible.

This is absolutely wrong. It is wrong morally, No. 1. But it is also a waste of precious military resources, which are so much needed today. By the way, because of this amendment and other nongermane amendments, we are holding up the passage of this bill, which includes a pay raise for our military that this President has sent all over the world time and time again. So this is an unnecessary amendment. The DOD has not been made aware of a single problem arising as a result of this policy.

American taxpayers should not be required to pay for abortions. In 1979, the Hyde amendment was passed to prohibit the use of taxpayer moneys to fund abortions. In Harris v. McCray, the U.S. Supreme Court held the right to an abortion does not include the right to have the taxpayer moneys pay for it. It is DOD policy to obey the laws of the nations in which bases are located. Thus, even if the Murray amendment is adopted, abortions will still

not be available on all military bases. Spain and Korea prohibit abortion, for example.

The ban is not intended to and does not block female military personnel from receiving an abortion. As the Senator from Arkansas has pointed out, DOD has a number of elective procedures for which it currently does not pay. As the Senator said, any woman can fly on a military aircraft for $10 on a space-available basis to have an abortion somewhere else, unfortunately.

In other words, the woman could still get an abortion if she wanted one, again, unfortunately. In fact, many women often travel back to the U.S. to receive their abortions. The question is, Should we pay for it at the hospital? That is the question. Should we hire more people, more support people just for the purpose of performing abortions in these military hospitals? I say the answer to that is no.

Some would argue the woman would be inconvenienced, that she would have to have her leave approved, she would have to get her transportation. But she could still get her abortion. I am not sorry, frankly, that someone has to be inconvenienced for having an abortion. Frankly, I wish somebody would give them the time and counsel to discuss this issue so they could fully realize what they are doing, taking the life of an unborn child who has no voice, who has no opportunity to say anything. I wish we would have that opportunity to provide that woman that kind of counseling so she would not do it and regret that decision for the rest of her life. Abortion should never be convenient because when a woman chooses an abortion, she is choosing to kill her baby. It is not a fetus, it is a baby. It is an unborn child. Her baby never had a choice.

Military treatment centers, which are dedicated to healing and nurturing life—healing and nurturing life—should not be taking the lives of unborn children. Also, these hospitals treat the combat wounded in war. Those who are hurt are treated. There have been so many hospitals throughout the years that have been so outstanding in their treatment, saving so many lives. The great attributes they have received for doing that should not now become a part of this abortion debate and be involved in killing innocent children, that some of the people who were treated in those hospitals, if not all, fought so they could be free, so those children could be born in freedom. Those people who were wounded and treated in those hospitals did not do it to take innocent lives. They did it to allow those innocent lives to be born into freedom.

That is the bitter irony of all this: the taking of the most innocent human life, a child in the womb, taking place in a hospital that treated those who fought to allow that child to be born into freedom.

What a dramatic irony that is. The bottom line is it is immoral to make hard-working taxpayers in America pay for abortions at military hospitals, and it is immoral to perform those abortions. I urge my colleagues to vote no on the Murray amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mrs. MURRAY. Mr. President, my colleague and cosponsor, Senator SNOWE, is present in the Chamber. I will yield her time in just a moment.

I point out a woman's health care decision to have or not have an abortion should be with herself, her family, her doctor, and her religion. That is not the case in the military today. When a woman has to go to her commanding officer and request permission to fly home on a military transport, she no longer has the ability to make that decision on her own. It becomes a very public decision.

This amendment simply gives back her privacy and allows her to pay for at her own expense a health care procedure in a military hospital where she is safe and taken care of.

I am delighted my cosponsor, Senator SNOWE, is here, and I yield her as much time as she needs.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I thank the Senator from Washington for, once again, assuming the leadership on this most important issue.

I rise today as a cosponsor of the Murray amendment to repeal the ban on privately-funded abortions at overseas military hospitals.

Last year, when I spoke on this amendment, I said that ''standing here I have the feeling of 'Deja vu all over again.' '' I have that same sentiment today—and this year I can add that ''the more things change, the more they remain the same.'' For in the last year we have deployed more women overseas—6,000 more women than there were just a year ago.

And yet here we are, once again, having to argue a case that basically boils down to providing women who are serving their country overseas with the full range of constitutional rights, options, and choices that would be afforded them as American citizens on American soil.

In 1973, 27 years ago, the Supreme Court affirmed for the first time women's right to choose. This landmark decision was carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive decisions. But this same right is not afforded to female members of our armed services or to female dependents who happen to be stationed overseas.

Current law prohibits abortions to be performed in domestic or international military treatment facilities except in cases of rape, incest, or if the life of the pregnant woman is endangered. The Department of Defense will only pay for the abortion when the life of the pregnant woman is endangered—in cases of rape or incest, the woman must pay for her own abortion. In no other instance is a woman permitted to have an abortion in a military facility.

The Murray-Snowe amendment would overturn the ban on privately funded abortions in overseas military treatment facilities and ensure that women and military dependents stationed overseas would have access to safe health care. Overturning this ban on privately-funded abortions will not result in federal funds being used to perform abortion at military hospitals.

The fact is that Federal law already states that Federal funding cannot be used to perform abortions. Federal law has banned the use of Federal funds for this purpose since 1979. But to say that our service women and the wives and daughters of our servicemen cannot use their own money to obtain an abortion at a military hospital overseas defies logic.

Every year opponents of the Murray-Snowe amendment argue that changing current law means that military personnel and military facilities will be charged with performing abortions—and that this, in turn, means that American taxpayer funds will be used to subsidize abortion. This seemingly logical segue is absolutely and fundamentally incorrect.

Every hospital that performs a surgery—every physician that performs a procedure upon a patient—must figure out the cost of that procedure. This includes not only the time involved, but the materials, the overhead, the liability insurance. This is the fundamental and basic principle of covering one's costs.

I have faith that the Department of Defense will not do otherwise. This is the idea behind a privately-funded abortion—a woman's private funds, her own money pays for the procedure. But she has the opportunity to have this medical procedure—a medical procedure that is constitutionally guaranteed—in an American facility, performed by an American physician, and tended to by American nurses.

During last year's debate, opponents of repealing the current ban claimed that American taxpayers would be subsidizing the purchase of equipment for abortions, and would be training doctors to perform privately-funded abortions. This false argument effectively overlooks the fact that the Department of Defense has already invested in the equipment and training necessary because current law already provides access in cases of life of the mother, rape, or incest.

But the economic cost of this ban is not the only cost at issue here. What

about the impact on a woman's health? A woman who is stationed overseas can be forced to delay the procedure for several weeks until she can travel to the United States or another overseas location in order to obtain the abortion. Every week that a woman delays an abortion increases the risk of the procedure.

The current law banning privately-funded abortions puts the health of these women at risk. They will be forced to seek out unsafe medical care in countries where the blood supply is not safe, where their procedures are antiquated, where their equipment may not be sterile. I do not believe it is right, on top of all the other sacrifices our military personnel are asked to make, to add unsafe medical care to the list.

I believe that a decision as fundamentally personal as whether or not to continue one's pregnancy only needs to be discussed between a woman, her family, and her physician. But yet, as current law stands, a woman who is facing the tragic decision of whether or not to have an abortion faces involving not just her family and her physician, but her—or her husband's—commanding officer, duty officer, miscellaneous transportation personnel, and any number of other persons who are totally and completely unrelated to her or her decision. Now she faces both the stress and grief of her decision—but she faces the judgment and willingness of many others who are totally and wholly unconnected to her personal and private situation.

Imagine having made the difficult decision to have an abortion and then being told that you have to return to the United States or go to a hospital that may or may not be clean and sanitary. That is the effect of current policy—if you have the money, if you leave your family, if you leave your support system, and come back here. Otherwise, your full range of choices consists of paying from your own money and taking your chances at some questionable hospital that may or may not be okay.

This of course, is only if the country you are stationed in has legal abortion. Otherwise you have no option. You have no access to your constitutionally protected right of abortion.

What is the freedom to choose? It is the freedom to make a decision without unnecessary government interference. Denying a woman the best available resources for her health care simply is not right. Current law does not provide a woman and her family the ability to make a choice. It gives the woman and her family no freedom of choice. It makes the choice for her.

In the year 2000, in the United States of America it is a fact that a woman's right to an abortion is the law of the land. The Supreme Court has spoken on that issue, and you can look it up. Denying women the right to a safe abortion because you disagree with the Supreme Court is wrong, but that is what current law does.

Military personnel stationed overseas still vote, still pay taxes, and are protected and punished under U.S. law. They protect the rights and ideals that this country stands for. Whether we agree with abortion or not, we all understand that safe and legal access to abortion is the law of the land. But the current ban on privately-funded abortions takes away the fundamental right of personal choice from American women stationed overseas. And I don't believe these women should be treated as second class citizens.

It never occurred to me that women's constitutional rights were territorial. It never occurred to me that when American women in our armed forces get their visas and passports stamped when they go abroad—that they are required to leave their fundamental, constitutional rights at the proverbial door. It never occurred to me that in order to find out what freedoms you have as an American, you had to check the time-zone you were in.

The United States willingly sends our service men and women into harms way—yet Congress takes it upon itself to deny 14 percent of our Armed Forces personnel—33,000 of whom are stationed overseas—the basic right to safe medical care. And we deny the basic right to safe medical care to more than 200,000 military dependents who are stationed overseas as well.

How can we do this to our service men and women and their families? It seems to me that they already sacrifice a great deal to serve their country without asking them to take unnecessary risks with their health as well. We should not ask our military personnel to leave their basic rights at the shoreline when we send them overseas.

I believe we owe our men and women in uniform and their families the option to receive the medical care they need in a safe environment. They do not deserve anything less. I urge my colleagues to join me in supporting the Murray-Snowe amendment.

Mr. President, I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:33 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

AMENDMENT NO. 3252

The PRESIDING OFFICER. We are now under controlled time. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 43 minutes remaining, and the opposition has 42 minutes.

Mrs. MURRAY. I thank the Chair.

Mr. President, I remind my colleagues of the issue we will be debating for the next 90 minutes. Basically, today a woman who serves in the military overseas at a facility, if she so desires to have an abortion—and it is her choice; it is her personal choice between herself and her family and her doctor and her religion—has to go to her commanding officer to ask for permission to come home to the United States to have a safe and legal abortion. Then she has to wait for military transport. She has to pay $10, as the opponents told us this morning, for food on that military transport, and come home in order to have a safe and legal abortion.

The pending amendment simply allows women who serve in our military overseas today to pay for their own medical choice decisions in a military hospital where it is safe and is a place where they can be assured they will be taken care of, as we should expect we would take care of all people who serve us in the military.

I have heard our opponents speak this morning on this amendment and say it is unnecessary. I have a letter from a woman who served in our military services. I would like to share it with my colleagues who think it is unnecessary:

DEAR SENATOR: My name is Jessica, and I am a college student in Arizona. I am writing you regarding an experience I had as a member of the Air Force while stationed in Yokota Air Base, Japan.

Two years ago, as a young single woman, I found out I was pregnant. I knew I couldn't talk to my immediate supervisor because he was a Catholic priest. You see, my job in the armed services was ''Chaplain's Assistant.'' So instead, I went to the next level in my chain of command. In return for requesting time off, I was verbally reprimanded and told that I had sinned in the eyes of God and was going to hell if I didn't repent immediately.

The next day, I made an appointment with a doctor on base and told him I was pregnant and wanted an abortion. The doctor whispered that I was to walk very quietly to the front desk where the information would be waiting for me. The information was scribbled on a single sheet of paper with hand-drawn maps on it to three hospitals that would perform abortions.

When I arrived at the hospital, I was sent into a cubicle. None of the nurses spoke English, so I had no way of giving them my medical history. I had no Japanese friends to translate, and the Air Force would not provide any assistance. My first doctor did not

speak English either, so I had no idea what the doctor did, or what medication he gave me. I was completely alone.

I will never forget the humiliation I felt. I couldn't speak the language, I was turned away by my American doctors on base whose hands were tied. The doctors on base weren't even allowed to give me information regarding this medical procedure. Although I served in the military, I was given no translators, no explanations, no transportation, and no help for a legal medical procedure.

I have never heard of any male soldiers being treated like this. In fact, I don't know of any medical treatments that male soldiers are denied. Perhaps the military recruiters should warn females before they enlist that the United States will discriminate against them due to their gender.

This letter is compelling. It says that a woman who is serving her country overseas, who is fighting for our rights, is basically denied health care services of her choice that she would be given in this country if she opted not to serve in the military.

I appeal to my colleagues to please make sure that the women who serve us overseas are given the same rights as the women who live in this country.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I will respond to a number of things my colleague from Washington said.

While I do not know the specifics or the circumstances of the situation to which she made reference, I know it is a bad practice when we try to legislate by anecdote. I do know this as well, that much of the debate is centered around whether or not a woman's rights can be protected under current DOD policy. The insinuation has been that servicewomen experience a lack of support from their chain of command when requesting leave in order to obtain an abortion. That was the circumstance in the situation to which Senator MURRAY just made reference.

Such an argument impugns the professionalism of the officer corps. There are procedures in place and there are rights by which men and women in uniform can be protected. If, in fact, their rights are being disregarded by a commanding officer, there are means under current law by which those rights can be vindicated and the wrong righted.

I have great confidence in the professionalism of our officer corps. I fully expect any commanding officer to approve a service member's leave when properly requested, whatever the motivation for that request. If that is not done, then there should be a grievance filed, and I would stand in support of such an individual's right to make that request on a space-available basis. I believe the professional officer corps that we have is going to respond and treat that servicewoman properly and give her the rights she has under the law.

The other point I would make to those who would impugn the professionalism of our officer corps is that the commanding officer today may just likely be a woman. That woman seeking permission to receive approved leave for an abortion under current policy may just as well find they are dealing with a commanding officer who is in fact female.

At this time, I would like to yield 5 minutes to my distinguished colleague from the State of Kansas, Senator BROWNBACK.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. BROWNBACK. I thank the Chair. I thank my colleague from Arkansas for leading this debate against this amendment. I rise in opposition to the Murray amendment.

On February 10, 1996, the National Defense Authorization Act for fiscal year 1996 was signed into law by President Clinton with a provision to prevent DOD medical treatment facilities from being used to perform abortions except where the life of the mother is endangered or in cases of rape or incest. That is the public law.

This provision reversed a Clinton administration policy instituted on January 22, 1993, permitting abortions to be performed at military facilities. Previously, from 1988 to 1993, the performance of abortions was not permitted at military hospitals except when the life of the mother was in danger.

That is a bit of the history around this issue.

The Murray amendment which would repeal the pro-life provision attempts to turn taxpayer-funded DOD medical treatment facilities into abortion clinics. Fortunately, the Senate refused to let the issue of abortion adversely affect our armed services and rejected this amendment last year by a vote of 51–49, and we should reject it again this year.

It is shameful that we would hold America's armed services hostage to abortion policies. Using the coercive power of government to force American taxpayers—American taxpayers, that is who we are talking about here—to fund health care facilities where abortions are performed would be a horrible precedent and would put many Americans in a difficult position—using my taxpayer money to fund abortions.

When the 1993 policy permitting abortions in military facilities was first promulgated, military physicians as well as nurses and support personnel refused to perform or assist in elective abortions. In response, the administration sought to hire civilians to do abortions.

Therefore, if the Murray amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand but resources would be used to search for, hire, and transport new personnel simply so abortions could be performed.

In fact, according to CRS, a 1994 memorandum from the Assistant Secretary of Defense for Health Affairs says this:

> Direct[ed] the Military Health Services System provide other means of access if providing prepaid abortion services at a facility was not feasible.

One argument used by supporters of abortion in military hospitals is that women in countries where abortion is not permitted will have nowhere else to turn to obtain an abortion. However, DOD policy requires military doctors to obey the abortion laws of the countries where they are providing services, so they still could not perform abortions in those locations. Military treatment centers which are dedicated to healing and nurturing life—healing and nurturing life, that is what this is about; in other words, what we should be about—should not be forced to facilitate the taking of the most innocent of all human life, that of the unborn.

As I speak of this, I ask forgiveness for our country, for the Nation, for the killing of this most innocent of life, the unborn.

I urge my colleagues to table the Murray amendment and free America's military from abortion politics and from performing these abortions at taxpayer-funded facilities. If passed, this amendment will effectively kill the DOD authorization bill, and on that ground as well, I urge my colleagues to reject this amendment.

I think we must get down to the very basics on this, as happens so often when it comes to these sorts of issues, and that is: Should we use taxpayer-funded facilities to perform abortions, making them abortion clinics? Is that something our citizens would want us to do, whether they were pro-life or pro-choice? I think the vast majority would say, no, we don't want it to take place in our facilities and this is a bad precedent for us to set.

I thank my colleague from Arkansas for leading this difficult and very important debate.

I yield back the time reserved for our side on this issue.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

I start by asking the sponsor of this amendment, Senator MURRAY, of Washington, just a few questions so we can clarify what we are talking about.

Is it my understanding that the Senator's amendment is offering to women who are serving in the military the same constitutional right available to every woman in America?

Mrs. MURRAY. The Senator from Illinois is absolutely correct.

Mr. DURBIN. Secondly, is it my understanding that if a woman in the

military wants to seek an abortion, the Senator's amendment says it would have to be at her cost completely, not at any cost to the Federal Government?

Mrs. MURRAY. That is right. Under this amendment, the woman would have to pay for the services in the military hospital on her own.

Mr. DURBIN. Third, does the Senator's amendment require every military hospital and every doctor in those hospitals to involve themselves in abortion procedures if it violates their own personal conscience or religious belief?

Mrs. MURRAY. I say to the Senator from Illinois, there is a conscience clause that allows any doctor to be excused from the procedure based on religion.

Mr. DURBIN. I thank the Senator from Washington.

I wanted to make those points clear. We are talking about a constitutional right which every woman in America enjoys, her right to control her reproductive health.

Make no mistake; it is a controversial right. There are people on this floor who do not believe the Supreme Court was right in establishing that, within the right of privacy, every woman should make that decision with her doctor and her conscience. These are people who oppose abortion either completely or want to limit it to certain circumstances.

What we are talking about here is whether or not a young woman who takes an oath to defend the United States of America and becomes part of our military service is going to give up her constitutional right to control her own reproductive health. That is the bottom line.

What Senator MURRAY is trying to say is, why would we treat women who volunteer to serve in the military as second class citizens? Why would we deny to daughters and sisters and mothers and wives who serve in the military the same constitutional right which every woman in America enjoys?

Those who oppose this amendment say women in the military should be treated as second class citizens; they should not have the same constitutional rights as any other woman in America.

Second, the question about whether the Government is paying for the abortion is always a controversial question. Some people who in conscience oppose abortion say: I don't want a penny of my taxes to be spent on abortion services. Senator MURRAY addresses this directly and says that any abortion procedure has to be paid for by the woman in uniform. She is paying for it out of her pocket. It isn't a matter of the Government paying for it. Should a woman choose an abortion procedure, they have to pay for it. In this case, Senator MURRAY makes that clear.

Finally, to argue we are going to turn military hospitals into abortion clinics and force doctors to perform abortions defiles the very language of the amendment. Senator MURRAY carefully included a conscience clause. If a doctor in a military hospital overseas should say: because of my personal religious beliefs or my conscience, I cannot perform an abortion procedure, there is absolutely no requirement in the Murray amendment that person be involved. The same conscience clause that applies in most hospitals in the United States applies in this amendment.

This is the bottom line: Men and women in uniform are asked to risk their lives in defense of our country. God bless them that they are willing to do that. But should women in the military also be asked to risk their health and their lives because they want to exercise their own constitutional right to decide about their own reproductive health care? That is the bottom line.

It really gets down to a very simple question: Why would we treat women in the military who have volunteered to serve this country as second-class citizens?

Sue Bailey, the Assistant Secretary of Defense for Health Affairs, recently wrote:

> The Department of Defense believes it is unfair for female service members, particularly those members assigned to overseas locations, to be denied their constitutional right to a full range of reproductive health care, to include abortion. The availability of quality reproductive health care ought to be available to all female members of the military.

So we know where the military stands. The Department of Defense supports this amendment by Senator MURRAY.

There is a current provision in the law for servicewomen overseas, when they have their life at stake or they have been victims of rape or incest, to have an abortion service at a military hospital. This has been stated by those on the floor. But there is no provision, no protection whatever, for that same servicewoman who discovers during the course of her pregnancy that because of her own medical condition continuing the pregnancy may be a threat to her health. A doctor can diagnose during the course of a pregnancy the continuing that pregnancy might result in a young woman never being able to bear another child. Perhaps that baby she is carrying is so fatally deformed it will not survive. And according to those who oppose the Murray amendment, that servicewoman is on her own.

What is her recourse? Well, maybe she will turn to a doctor in that foreign country, hoping that she will get someone who is professional and can perform a service that won't harm her more than a continued pregnancy might. Frankly, the alternative is to get on a plane and fly to another location, another country, or back to the United States, wait for space available, or pay for it on commercial fare. Is that the kind of burden we want to impose on young women who volunteer to defend the United States, take away the constitutional right available to every American woman, to say to them, if you find yourself in a delicate or difficult medical situation, it is up to you, at your cost, to get out of that country and find a doctor, a hospital, a clinic, that can serve you? That is the bottom line, as far as I am concerned.

This is a question of simple fairness. It is a question of restoring a policy which was in the law between 1973 and 1988 and again from 1993 to 1996.

Senator MURRAY has said to those who oppose abortion—and many in this Chamber do—to those who oppose the Supreme Court's decision in Roe v. Wade, you are entitled to your point of view; You are entitled to make the speeches you want to make; But you are not entitled to deny to servicewomen overseas the same constitutional rights we give to every woman in America. We will debate abortion for many years to come, whether or not the Supreme Court sustains Roe v. Wade.

So long as it is the constitutional right in our country for women to consider their own privacy and their own reproductive health and make those personal decisions with their doctor, with their family, with their conscience, we should not deny that same right to women who are serving in the military.

The women in our Armed Forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health, and their basic constitutional rights for a policy with no valid military purpose.

I rise in strong support of this amendment, a bipartisan amendment, by Senator MURRAY and Senator SNOWE of Maine. I hope my colleagues will show respect for the women who serve in our military by voting in favor of this amendment.

I yield the floor.

Mr. HUTCHINSON. Mr. President, one of the issues that has arisen during this debate is whether or not the Murray amendment violates the Hyde provision which prohibits Federal funding for abortion. Proponents of the amendment argue, no, this doesn't violate Hyde because we are requiring a woman to pay for the abortion procedure.

I have raised the issue as to how exactly to calculate the cost of reimbursing the DOD for the expense of an abortion procedure, in a military hospital, when the facilities were built at taxpayers' expense, and the support staff were paid salaries out of public funds, in which the equipment has been paid

for. How in the world would this be calculated?

Now, earlier it was suggested that is not really a problem. During the lunch break, we checked with the Department of Defense. I will share for the record what we found. It is currently not feasible with existing information systems and support capabilities to collect billing information relative to a specific encounter within the military health care system.

Procedures performed in military hospitals are assigned a diagnostic related group code, but these are ''assigned'' or ''allocated'' costs that don't necessarily reflect resources devoted to a specific case. Military infrastructure and overhead costs cannot, at the present time, be allocated on a case-by-case basis.

It is very clear that the Hyde amendment would be violated, that we would—whether we admit it or not, whether we promulgate this legal myth—be subsidizing abortion with taxpayers' money, in violation of the law of the land.

I yield 5 minutes to my colleague from Wyoming, Senator ENZI.

Mr. ENZI. Mr. President, I thank the Senator from Arkansas for his dedication to this issue and I thank the Senator from Kansas for his very careful presentation of a number of important issues that deal with this amendment.

Mr. President, I rise in opposition to the Murray amendment and I urge my colleagues to follow the course we have set over the last several years and reject this amendment.

Mr. President, the underlying legislation before us, the Department of Defense Authorization Act, is an extremely important piece of legislation. In conjunction with the accompanying appropriations bill, it provides for the essential funding needed by our brave men and women on whom we rely to dedicate their time and service, and sometimes even their very lives, to protect our great nation from aggressors who threaten our freedom, and security, and our very way of life. Our military personnel are tasked with protecting our lives and our manner of life, which according to our hallowed Declaration of Independence, guarantees to each American those fundamental rights of life, liberty, and the pursuit of happiness.

Rather than supporting our brave military men and women in their difficult task of protecting life and liberty, the Murray amendment would call on military personnel to use military facilities to take innocent human life through elective abortions. This proposal runs contrary to the mission of our armed services and should be rejected.

Mr. President, it is noteworthy that when President Clinton first promulgated his policy in 1993 directing that abortions be performed in military facilities, all military physicians and many nurses and support personnel refused to perform or assist in elective abortions. This is compelling evidence that military physicians want to be in the business of saving life, not performing elective abortions. We should honor the wishes of these military medical personnel and reject the Murray amendment.

Mr. President, this amendment even goes beyond the debate on abortion because it would essentially require tax funds to be used to aid in elective abortions. Military hospitals and medical clinics are built with American tax dollars. Military physicians, nurses, and other support personnel are paid by federal tax dollars. We have just heard how that billing is done. From an accounting standpoint the person does not pay for the costs involved with the medical hospitals and clinics. Military physicians, nurses and other support personnel are paid by Federal tax dollars. Even if the abortion procedure itself was not directly paid for by federal funds, federal tax dollars would have to be used to train military physicians to perform abortions.

Moreover, if military physicians refused to perform these elective abortions, and they were not required to violate their consciences, then civilian doctors and medical personnel would have to be hired to perform these elective abortions on military facilities. How does the accounting work for direct costs? Would these civilian medical personnel also have to be reimbursed with federal tax dollars?

In essence, the Murray amendment would require that American taxpayers help pay for elective abortions for military personnel. Regardless of one's position on the legality of abortion, it is not proper for Congress to use Americans' tax dollars to fund something that is as deeply controversial as abortion on demand.

I urge my colleagues to cast a vote for life and maintain the status quo by rejecting the Murray amendment. Abortions are available if the life of the mother is at stake, or if there has been rape or incest. But the elective abortion is another area that is controversial because of the funding that is available. So I do ask you to cast a vote for life and maintain the status quo, reject the Murray amendment.

I yield the floor. I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from New Jersey and 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the Senator from Washington and the Senator from Maine. I congratulate each of them on this amendment.

There are good and sound arguments that people who serve in the Armed Forces of the United States deserve some special privilege. Their lives are at risk. They give months and years of their time in service to our Nation. Certainly, they deserve some special recognition and accommodation to their needs.

I know of no argument that people in service to our country, because they are in the Armed Forces, deserve less. Access to safe abortions is not a national privilege. It is not a benefit we extend to the few. It is, by order of the Supreme Court of the United States, a constitutionally mandated right. Yet people would come to the floor of the Senate and say those who take an oath to defend our Nation and our Constitution by putting their lives in harm's way deserve not those constitutional rights of other Americans but less.

To the extent my colleagues want to debate the law, fight on the constitutional issue, I respect them. To the extent they simply want to provide barriers when a woman wants to exercise her constitutional right while in service to our country, it does not speak well of the anti-abortion movement. Women in the Armed Forces serving abroad must arrange transportation, incur delays. Ironically, to those in the anti-abortion movement, these are women whose abortions get postponed to later stages of pregnancy and must have the personal dangers of travel while pregnant because of this prohibition.

In spite of words I heard said on this floor, there are no public funds involved. Women would pay for these procedures themselves. No providers of health care in a military hospital or other facility would be forced to do this against their will. This would be done only on a voluntary basis by regulation of the Armed Forces. It is voluntary; it is privately paid for; it is constitutional; and it is right.

How would we account for the expense, the Senator from Arkansas has raised. This was done in 1994 and 1996; it was done before 1993. In all those years, in hundreds and thousands of cases, we had no accounting difficulty. A woman is presented with a bill: Here is what it costs. Is it a private matter? You pay for it.

The Armed Forces themselves may be in the best position to speak for their own members. On May 7, 1999, Assistant Secretary of Defense Sue Bailey stated:

> The Department of Defense believes it is unfair for female service members, particularly those members assigned to overseas locations, to be denied their constitutional right to the full range of reproductive healthcare. * * *

Exactly. Members of our Armed Forces ask for no special privileges. They ask for no special rights. They want to have the constitutional rights

of all other Americans. It is not right. It is not fair. It is not even safe to ask a woman at this dangerous, important, critical moment of her own life to seek transportation to travel across continents to exercise the abortion rights that every other American can get from their own doctor at their own hospital.

No matter what side you are on in the abortion debate, this is just the right thing to do. I urge my colleagues on both sides of the aisle, on all sides of this debate, if ever there was a moment for unity on reproductive rights, I urge support for the Snowe-Murray amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time to the Senator from California?

Mrs. BOXER. I believe, under the unanimous consent agreement, I am supposed to get 10 minutes at this time; is that correct?

The PRESIDING OFFICER. The Senator is correct. The Senator is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I thank Senator MURRAY for giving me these 10 minutes. I compliment her and Senator SNOWE for once again bringing this matter to the Senate. We have had very close votes. I believe, if people listened to the arguments on both sides, they would come down in favor of the Murray-Snowe amendment. I want to say why.

The Murray-Snowe amendment will repeal the law which says to servicewomen and military dependents who are stationed overseas that they are less than full American citizens; that they, in fact, no longer have the protections of the Constitution; and that, in fact, they do not deserve the full measure of that protection.

I don't want to overstate this, but I think it is almost unpatriotic to take the view that a woman who gives her life to her country every single day would be denied a right that every other woman has. No other woman in America is told: Talk to your boss about the problem you've got yourself into. Get his permission.

I say to my colleague from Arkansas, who says some of the commanding officers are women, I suppose about 2 percent are women. But that is not the point. Whether it is a man or a woman, no one else in America has to go get permission from their employer to get a safe abortion.

With all due respect to Senator BROWNBACK, who says this is about protecting the unborn, this is not about protecting the unborn. This is about protecting the rights of American women, who happen to be in the military, to have the same constitutional protections as any other woman. If we want to discuss the issue of whether a woman should have the right to choose, that is another conversation for another day or perhaps for another Supreme Court, which has upheld a woman's right to choose time and time and time again since 1973. Even Justices who were appointed by Republican Presidents have done so. So although my friends want to make this issue about the rights of the unborn, that is not what this is about. This is about making it difficult and really, in many ways, dangerous for women in the military to exercise their right to choose. I think that is a rather sick thing to do, if you want to know the truth.

How would you like to be a woman who finds herself with this unwanted pregnancy? She may decide to go to full term. That is her choice. She may choose that. But what if she doesn't? Now she is faced with a situation where she has to go to her boss and beg to get on a cargo plane—when there is a seat available, I might say.

So Senator TORRICELLI is right in his point; such could delay this procedure until it was more dangerous to her health, or she could choose not to be humiliated, embarrassed, and the rest, and go to an unsafe place in a country that may well be hostile to her, try to understand what the doctors and the nurses are saying, and subject herself to a dangerous situation. Why? Why would my colleagues want to do that to women in the military?

With all due respect to my colleagues, I do not doubt their sincerity. But for them to stand up and say that the DOD really doesn't know how to allocate these costs so Senator MURRAY is wrong on this point, Senator SNOWE is wrong on this point; we can't figure out really what this costs, that simply flies in the face of experience.

For many years, this is what had been done. It was no problem getting the women to pay their fair share of the costs associated with an abortion, a safe and legal abortion in a safe military hospital.

In the Murray amendment, no one is forced to be involved in this procedure if they have an objection based on conscience.

We have covered all the bases, if you will. I don't care who stands up here and waves a piece of paper and says they can't figure out what it costs. The military supports the Murray-Snowe amendment.

I will repeat that. The U.S. Department of Defense supports the Murray-Snowe amendment. Why? Because they care about the people in the military. They are advocates for people in the military. They do not think you should give up your rights because you put your life on the line for your country. On the contrary. They want to thank the women in the military for putting their lives on the line, and one way to do it is to ensure they will share in the benefits of this Nation, which include being protected by the Constitution of the United States of America.

The Supreme Court decision that occurred in 1973, which many of my colleagues do not like—Senator HARKIN and I had a very clear-cut amendment upholding the Supreme Court decision of 1973. We got 51 votes. Roe v. Wade got a 51-vote majority in the Senate, but it is hanging by a thread. And this attempt in this bill, which the majority side of the aisle supports, to stop women, who happen to be in the military, from their constitutional right to choose flies in the face of what the military says it wants to do for our people, which is to protect them when they are abroad.

This is simply about the rights of women, one particular group of women, the women I thought my friends on the other side of the aisle would particularly respect because of their respect for the military. This is telling those women in the military: You cannot have the same rights as anybody else.

I recall when we had a debate on the Washington, DC, appropriations bill. I happened to be the minority member who was bringing that bill forward. There were many restrictions on the poor women of Washington, DC, that were not put into any other bill. In other words, the people in my cities did not get stuck with particular rules that told them they could not use city money if they, in fact, wanted to exercise their right to choose.

I said to my friends on the other side of the aisle: Why are you picking on these poor women in Washington, DC? Do my colleagues know what the answer was? Because we can.

I rhetorically ask the same question: Why are we picking on women in the military and saying they are less than full citizens of this country, that they do not have the constitutional rights that other women have?

I suspect an honest answer coming back would be: Because we can take this right away; because we in the Senate have the power of the purse, and we are going to exercise that power because we can. And they will do it.

I am hoping one or two people on the other side will change their minds on this amendment if they are listening to this debate; given the fact that the military supports the Murray-Snowe amendment. I hope a couple of people will change their minds on this. Just because we can exercise our personal religious and moral beliefs on someone else does not mean we should do that.

We should respect people and know we have freedom of religion in this country. That does not mean we have a right to put our moral values and our decisions on someone else. We should respect them. They are going to decide this issue.

I can tell my colleagues that a decision to have an abortion is one that is very serious for our people. Women do not do it in a cavalier way. They think about it, and they talk about it with

the people who love them, not their boss. That is what my colleagues make people do: Go to their boss and beg to get on a plane to get a safe abortion. It is shameful. It is just shameful. They would not want that done to their children. I do not think so. They would want them to have the chance to do what they thought was right and have the opportunity of a safe, legal procedure.

Again, I say to Senators MURRAY and SNOWE that they are courageous to do this; they are right to do this. They lost a couple of votes on close vote counts, and they are not giving up.

I hope everyone who is watching this debate, be they a man or a woman, be they old or young, be they for a woman's right to choose or against it, understands what this debate is about. Nothing we do today, regardless of how this vote goes, will change the law governing a woman's right to choose. That was decided in 1973, and it has been upheld. It is a right.

This is not about the rights of the unborn. It is about the rights of women in the military to have the same constitutional protections as all the other women in our Nation.

I thank the Chair for his courtesy, and I thank Senator MURRAY for her courage. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, the statement was made that the military supports the Murray amendment. Thus far during our debate, twice, a Dr. Sue Bailey, who is a former Under Secretary of Defense for Health, has been quoted. Notwithstanding whatever the Department of Defense might say today, I suspect were there to be a survey of U.S. men and women in uniform across the world, the vast majority would not favor turning U.S. military installations overseas into abortion providers.

I yield to the distinguished Senator from Oklahoma, Mr. NICKLES, such time as he may consume.

The PRESIDING OFFICER. The assistant majority leader.

Mr. NICKLES. Mr. President, I compliment my colleague from Arkansas, Senator HUTCHINSON, for his contribution to this debate. I want to make a couple of comments.

If we adopt the Murray-Snowe amendment, we will be turning military hospitals worldwide into abortion clinics. That is what it is about.

I heard somebody else say: We have to protect the constitutional right to choose. It is not the right to choose. The question is, are we going to turn military hospitals into abortion clinics?

I also heard the comment: The military supports this amendment. I would like to ask General Shelton that. I would like to ask Secretary Cohen that. I would like to ask former Secretary Dick Cheney that. I would like to ask Colin Powell that. I doubt that would be the case.

What about this constitutional right? I heard ''safe legal abortions.'' When did Congress pass a law? I do not believe Congress ever passed a law saying women have a right to an abortion. The Supreme Court came up with a decision in Roe v. Wade that ''legalized'' abortion, and by legalizing abortion they overturned State laws.

The majority of States—almost all States—had restrictions on abortions. The Supreme Court, in its infinite wisdom, said: States, you do not know enough, so we are going to legalize abortion.

I personally find it offensive anytime the Supreme Court goes into the lawmaking business. I read the Constitution to say Congress shall pass all laws—article I of the Constitution. It does not say, laws that are kind of complicated, Supreme Court, you go ahead and pass.

Now people are trying to take, in my opinion, a flawed Supreme Court decision and say we are going to turn that into a fringe benefit. Certainly, the Supreme Court did not say that, but my colleagues are saying: We want to have the right to have an abortion in government hospitals; this is a fringe benefit; let's pick it up, it is going to be paid for by the taxpayers.

These doctors, who are Federal doctors, are going to be trained to do what? Provide abortions. What is an abortion? It is the destruction of a human life. We are now going to turn this Supreme Court decision into a fringe benefit? The Supreme Court never said this was a fringe benefit. The Supreme Court never said the Government had to pay for it, or the taxpayers had to pay for it.

Who pays that doctor's salary? Who is going to train that doctor? Who is going to train the nurse? Who is going to make sure the facilities are there? The taxpayers are. The Supreme Court never said you have to turn this into a Federal paid fringe benefit at Federal expense.

I heard somebody else say this is not a debate about paying for it; they are willing to pay for it themselves. They do not pay for the training of the doctors. They do not pay for the building of the facilities or having the facilities there, and all the expenses associated with it.

Basically, they are asking that the Federal policy be to turn our military hospitals into abortion clinics with the acceptance, with the acknowledgment, with the prestige of the U.S. Government, that this is a procedure we will supply, as if it is just an ordinary fringe benefit.

It is dehumanizing life. It is devaluing life. It is just a fringe benefit? It is a destruction of life. We are going to have the taxpayers do that? We are going to mandate all military hospitals worldwide become abortion clinics?

We are going to mandate basically that these doctors, when they are recruited to go into military training, have to also be trained to perform abortions? I think that would be a serious mistake. I urge my colleagues, at the appropriate time, to vote in favor of the motion to table the Murray amendment.

Again, my compliments to my friend and colleague from Arkansas.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Washington.

Mrs. MURRAY. Mr. President, I simply need to respond. The Murray-Snowe amendment is not asking for a fringe benefit. Let me make it very clear to everyone who is listening, what this amendment does is simply allow a woman who serves in the military overseas to pay for her own abortion services in a military hospital where it is safe and it is legal. It is not a fringe benefit. Health care choices for women who serve us overseas are not fringe benefits. They simply are the same right that is afforded to every woman who lives in this country.

Mr. President, I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I come to the floor today just to add a couple of other points to this very important debate.

I thank my colleagues from Washington and Maine for sponsoring this amendment. I will join with them in voting for this amendment.

I simply point out to our colleagues that while emotions and passions may run quite high on this issue, as has been expressed by various Members, I do not necessarily consider this an abortion vote one way or the other. This is about our military. This is about equal rights and equal protection for men and women who serve in the military. It is a pro-military vote. It is a health care vote.

We can debate, as we do regularly, and as the Senator from Oklahoma just pointed out, our differences of opinion on abortion. We have differences of opinion about whether we should be pro-choice, anti-choice, or pro-abortion. But this is an amendment concerning women who have signed up in the military, at some sacrifice to themselves and to their families, to serve our country in uniform.

As a member of the Armed Services Committee, it is so hard for me to understand how this Congress could take a constitutional right away from a woman in uniform by denying her health care she may need, and in some instances may be in desperate need of, while serving our country overseas. It is for no good reason that I can understand, nor can many of us understand.

We can debate the abortion issue on other bills, in other venues. We have

resolutions. This is on our military bill. This is a readiness issue. We have reached out to women to serve in our Armed Forces. We have asked them to serve. Ten or fifteen percent of our Armed Forces are female.

Just recently I read, with great pride—and I hope many of our Members here have read this—that in our academies, the Army, the Air Force, and the Navy academies, 5 out of the top 10 graduates this year are women.

We are opening the doors of our military academies. Some of our best trained people are female, getting ready to defend our Nation's principles for which so many died.

If, in fact, they are overseas and injured in the line of duty, and the woman happens to be pregnant and needs to terminate that pregnancy, they will have to go to their commanding officer, ask for permission, and be transported back on a cargo plane, if and when one is available, putting their health in jeopardy. It is not right. It is not fair.

I would like to correct the record. Secretary Cohen does support giving this health benefit to women who are in our military.

I would like to correct something else for the record. The Murray-Snowe amendment requires that women in uniform pay out of their own pockets for the procedure that they believe they need because of their health or that their doctor might recommend they need. In addition to paying out of their pocket, let me remind my colleagues, they are taxpayers. Their money does in fact build the hospitals and pay for the doctors. The last time I checked the Tax Code, both men and women pay taxes, not just the men of this Nation.

So for the readiness issue, for the military issue, I ask my colleagues, even those who are opposed to abortion on constitutional grounds, since it is a constitutional right, let us please have consideration for the women who are in uniform, who serve our country valiantly, and who may indeed find themselves in a foreign and strange land, in some instances, fighting for the principles we represent here. For them to not be able to get the health care they need because some Members of this body voted to take that right away from them, I do not want to be in that number.

Mr. President, I am proud to support this amendment. I urge all of my colleagues to join with us in supporting this important amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, a constitutional right has not been abridged. They in fact can seek an abortion, but it simply cannot be on military grounds, in military hospitals, or subsidized by the American taxpayer.

At this time, I yield such time as he might consume to my distinguished colleague on the Armed Services Committee, the Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, this is indeed an important Defense authorization bill. We have worked on it for a long time. Unfortunately, it is now being jeopardized by an attempt to shove further and further abortion rights, abortion entitlements forward, to be paid for by the American taxpayers. That is a principle we ought not to confront, in my view.

As I see it, there has sort of been a quasi, uneasy truce among those who disagree about abortion. We have said the right exists and people can choose it, but we are not requiring that the American taxpayers pay for it. People on both sides may like to see that changed in various directions, but fundamentally that is where we are.

We have an important defense bill being jeopardized by this approach that says that taxpayers have to have the Army, Navy, and Marine hospitals converted into abortion clinics. I do not believe that is popular with the service. I know it is not popular with the physicians in the service. In fact, I am disappointed to hear that the Secretary of Defense—I now hear from this floor—favors this amendment.

Once again, we have politicians and bureaucrats in the Department of Defense playing political and ideological games with the morale and esprit de corps of the men and women in the military. I do not appreciate that.

Every physician who was called upon previously, when there was a period in which these abortions were to be performed in military hospitals, rejected that. Not one military physician, who swore an oath to preserve life and who had character and integrity that led them to conclude they ought not to do these abortions, would do so.

So there is unanimous support. I do not know why the Secretary of Defense ought to be doing this. I did not know that it happened. I knew that a bureaucrat, an Under Secretary of Defense, had said it was a constitutional right.

It is not a constitutional right to have the taxpayers provide a place for someone to conduct an elective surgery. That is not a constitutional right. It is a constitutional right, according to the Supreme Court, that no State can pass laws to stop someone from going out and seeking an abortion and having it. Basically, that is the current state of the law by the U.S. Supreme Court. That is the right.

It is not a right to have it paid for by the American citizens, many of whom deeply believe it is wrong. Overwhelmingly, a majority—apparently all physicians in the military—do not want to do this. Why are we forcing it? It is not good for military morale. It is not going to improve the self-image of the patriots who defend us every day. I feel strongly about that. I wish the Secretary of Defense had not come forward in that way.

What is the policy? What are we saying to our women in uniform today? The policy says: Join the service and you may be deployed. Most people may serve their whole career and never be deployed outside the United States but some are. So you may be deployed. We say to them: You have a full right to have an abortion, as any other American citizen. You have that right. We have regulations, implemented by the Clinton-Gore administration, to guarantee those rights. We say: But you must pay for that procedure. The taxpayers are not going to pay for it. If you are on foreign soil and there is not an American hospital nearby or an abortion clinic nearby, you will be given leave. You will be given free travel on military aircraft to come back to a place you think is appropriate to have your abortion. We are just not going to pay for it. We are not going to convert our hospitals, and we are not going to have our physicians who don't approve of this procedure be required to take training in and undertake that procedure.

That is the way it is. That is not a denial of constitutional rights. If it were, why don't we have a lawsuit and have the U.S. Supreme Court declare that is an unconstitutional policy? There is zero chance of having the Supreme Court declare the policy, as I have just stated it, unconstitutional. It is an absolutely bogus argument to say the current state of the law concerning abortions in military hospitals is unconstitutional. It is not so. It is inaccurate and wrong. It ought not to be said. If it is so, it will be reversed by the Supreme Court. But it will not be because it is not unconstitutional.

Someone suggested that this is oppressive to women. That is a very patronizing approach to women in the military. The women I know in the military are quite capable. They know how to make decisions. They are trained to make decisions. They are strong and capable. They are not going to be intimidated from taking a medical course they choose to take. It is not a question of asking permission of their commanding officer. They can have the abortion as they choose. If they want to be transported back to the United States on free travel, they have to ask for the free travel. They have to ask their commander, someone to give them the travel back on the aircraft. It is not begging the commanding officer for permission to have the abortion, which is a right protected by the Constitution.

It has been argued that we are here to place barriers in the way. No. The

regulations guarantee the right of a woman in the military to have an abortion and guarantee the right to be transported back to a place where the abortion can be provided. It does not bar an abortion. How can daylight be turned to darkness in that way?

There are many deep beliefs on both sides of this issue. We need to be clear in how we think about it. If we think about it fairly, we will understand that the U.S. military guarantees and protects and will assist a woman to achieve an abortion. What we are saying is, we shall not be required to provide a hospital, doctors, and nurses to do so. I think that is a reasonable policy in this diverse world in which we live. We do not need to jeopardize the entire Defense bill by challenging the deeply held and honorable position of many Americans.

We need to reject this amendment. I think it is basically an attempt to shove, once again, the abortion barriers even further, to attempt to get around the Hyde amendment which flatly prohibits expenditure of Federal dollars to carry out abortions. The Hyde amendment is quite sane, quite reasonable, quite fair in light of the deeply held opinions of Americans.

Let us not go further. Let us reject the Murray amendment.

Ms. MIKULSKI. Mr. President, I rise today in strong support of the amendment offered by Senators MURRAY and SNOWE. I am proud to be a cosponsor of this amendment.

This amendment would repeal the current ban on privately funded abortions at U.S. military facilities overseas.

I strongly support this amendment for three reasons. First of all, safe and legal access to abortion is the law. Second, women serving overseas should have access to the same range of medical services they would have if they were stationed here at home. Third, this amendment would protect the health and well-being of military women. It would ensure that they are not forced to seek alternative medical care in foreign countries without regard to the quality and safety of those health care services. We should not treat U.S. servicewomen as second-class citizens when it comes to receiving safe and legal medical care.

It is a matter of simple fairness that our servicewomen, as well as the spouses and dependents of servicemen, be able to exercise their right to make health care decisions when they are stationed abroad. Women who are stationed overseas are often totally dependent on their base hospitals for medical care. Most of the time, the only access to safe, quality medical care is in a military facility. We should not discriminate against female military personnel by denying safe abortion services just because they are stationed overseas. They should be able exercise the same freedoms they would enjoy at home. It is reprehensible to suggest that a woman should not be able use her own funds to pay for access to safe and quality medical care. Without this amendment, military women will continue to be treated like second-class citizens.

The current ban on access to reproductive services is yet another attempt to cut away at the constitutionally protected right of women to choose. It strips military women of the very rights they were recruited to protect. Abortion is a fundamental right for women in this country. It has been upheld repeatedly by the Supreme Court.

Let's be very clear. What we're talking about here today is the right of women to obtain a safe and legal abortion paid for with their own funds. We are not talking about using any taxpayer or federal money—we are talking about privately funded medical care. We are not talking about reversing the conscience clause—no military medical personnel would be compelled to perform an abortion against their wishes.

This is an issue of fairness and equality for the women who sacrifice every day to serve our nation. They deserve access to the same quality care that servicewomen stationed here at home—and every woman in America—has each day. I urge my colleagues to support this important amendment to the Fiscal Year 2001 Department of Defense Authorization Bill.

Mr. ROBB. Mr. President, the amendment offered by Senator MURRAY and Senator SNOWE renews our debate, once again about women's reproductive choice and access to safe, affordable, and legal reproductive health care services. I commend the sponsors of this amendment for their eloquent advocacy on behalf of women in uniform.

Mr. President, the Murray-Snowe amendment repeals the ban on privately funded abortions at overseas military medical facilities. Simply stated, this legislation would ensure that women service members and military dependents stationed overseas have access to the reproductive health care services guaranteed to all American women. Under the current policy, women who volunteer to serve their country and are stationed outside the United States have to surrender the protection of these rights. They can't use their own funds to obtain abortion services in our safe military medical facilities. It is ironic that active-duty service members who are sent abroad to protect and defend our rights are unnecessarily denied their own in the process.

Mr. President, the Supreme Court has, time and time again, affirmed that reproductive rights are constitutionally protected rights. Roe v. Wade is still the law of our land. Congress has even passed legislation making it illegal to prevent or hinder a woman's access to clinics that provide abortion services. And yet we are here again trying to protect the constitutional rights of a group of women who are willing to die to protect the constitutional rights of all Americans. This is a fight we shouldn't have to wage in this chamber, Mr. President.

I'd like to respond to some of the arguments that have been made against this amendment. This amendment does not advocate Federal funding of abortions. Women service members, not the American taxpayer, are entirely responsible for the cost of these services. Furthermore, as per current policy, this amendment would not force any individual service member to perform a procedure to which he or she objects.

I urge my colleagues to support this amendment and give military service members and their dependents the same protections whether stationed in this country or abroad. The women of our Armed Forces should not be forced to risk their health, safety, and well-being via back-alley abortions or substandard foreign health care services. The Murray-Snowe amendment provides the women who have volunteered to serve this Nation and are assigned to duty outside the United States with the range of constitutional rights that they have when they are on American soil. We owe this to our American soldiers, sailors, airmen, and marines. I urge my colleagues to support this amendment.

Mr. KENNEDY. Mr. President, I strongly support this amendment, and I commend my colleagues, Senator MURRAY and Senator SNOWE, for introducing it again this year. This is an issue of basic fairness for all of the women who have voluntarily dedicated their lives to protecting our country or who are dependents of military service members.

The current ban on abortions at U.S. military facilities overseas discriminates against women who are serving abroad in our armed forces. This ban is not fair to our servicewomen, and it is unacceptable. They are willing to risk their lives for our country, and it is wrong for our country to ask them to risk their lives to obtain the health care that is their constitutional right as American citizens.

Abortion is illegal in many of the countries where our servicewomen are based. The current ban on abortions endangers their health by limiting their access to reproductive care. Without proper care, abortion can be a life-threatening or permanently disabling procedure. It is unacceptable to expose our dedicated servicewomen to risks of infection, illness, infertility, and even death, when appropriate care can easily be made available to them.

Over 100,000 American women live on military bases overseas and rely on military hospitals for their health

care. They should be able to depend on military base hospitals for all of their medical needs. They should not be forced to choose between lower quality medical care in a foreign country, or travelling back to the United States for the care they need. Forcing women to travel to another country or return to the United States to obtain an abortion imposes an unfair burden on them and can lead to excessive delays and increased risk.

Servicewomen in the United States do not face these burdens, since quality health care in non-military hospital facilities is readily available. It is unfair to ask those serving abroad to suffer a financial penalty and expose themselves to health risks that could be life-threatening.

Congress has an obligation to provide safe medical care for those serving our country both at home and abroad. This amendment does not ask that these procedures be paid for with federal funds. It simply asks that servicewomen overseas have the same access to all medical services as their counterparts at home.

Every woman in the United States has a constitutionally-guaranteed right to choose whether or not to terminate her pregnancy. A woman's decision to have an abortion is a very difficult and extremely personal one, and it is wrong to impose an even heavier burden on women who serve our country overseas. It is time for Congress to end this double-standard for women serving abroad. I urge the Senate to support the Murray-Snowe amendment and correct this grave injustice.

Mrs. FEINSTEIN. Mr. President, as the Senate debates the FY 2001 Department of Defense authorization bill, I want to add my support for the amendment offered by Senators MURRAY and SNOWE to repeal the provision of current law that prohibits the use of DOD facilities for abortion services. This prohibition is particularly harsh for women who serve their country overseas.

Current law has two bans: (1) a ban on the use of any DOD funds to perform abortions, except if the life of the mother is endangered; and (2) a ban on using DOD facilities to perform an abortion except if the life of the mother were endangered or in the case of rape or incest. The Murray-Snowe amendment would repeal the second ban, on using a DOD facility to perform an abortion except where the life of the mother would be endangered or in the case of rape or incest.

This amendment does not force DOD to pay for abortions. It simply repeals the current ban on using DOD medical facilities. This ban works a particular hardship on military women stationed overseas because if they cannot use DOD facilities, they are forced to find private facilities, which may be unfamiliar, substandard, or far away.

I support this amendment for several reasons.

First, under several Supreme Court decisions, a woman clearly has a right to choose. A woman does not give up that right because she serves in the U.S. military or is married to someone serving in the military. Barring the use of U.S. military facilities creates a particular difficult barrier to exercising that constitutionally protected right when serving in another country.

Second, this prohibition in current law can endanger a woman's health, if she has to travel a long distance or wait to find an appropriate facility or physician. Women may not have ready access to private facilities in other countries. A woman stationed in that country or the wife of a service member might need to fly to the U.S. or to another country—at her own expense—to obtain an abortion because some countries have very restrictive laws on abortion. Most service members cannot easily bear the expense of jetting off across the globe for medical treatment.

If women do not have access to military facilities or to private facilities in the country where they are stationed, they could endanger their own health because of delay and the time it takes to get to a facility in another country or by being forced to get treatment by someone other than a licensed physician.

We know from personal experience in this country that when abortion is illegal, some women—especially desperate young women—resort to unsafe and life-threatening methods. If it were your wife, or your daughter, would you want her in the hands of an untrained, unknown person on the back streets of Seoul, South Korea? Or would you prefer that she be treated by a trained physician in a U.S. military facility? Under the current prohibition, women could put themselves at great risk by the hurdles required, by the possibility of using an untrained, unlicensed person and sometimes by a lack of knowledge of the seriousness of their condition.

People who serve our country agree to put their lives at risk to defend their country. They do not agree to put their health at risk with unknown medical facilities that may not meet U.S. standards. With this ban, we are asking these women to risk their lives doublefold.

Current law does not force any military physician to perform an abortion against his or her will. All branches have a ''conscience clause'' that permits medical personnel to choose not to perform the procedure. What we are talking about today is providing equal access to U.S. military medical facilities, wherever they are located, for a legal procedure paid for with one's own money.

The Department of Defense supports this amendment. A May 7 letter from Dr. Sue Bailey, the Assistant Secretary of Defense says the following:

> The Department believes it is unfair for female service members, particularly those members assigned to overseas locations, to be denied their Constitutional right to the full range of reproductive health care, to include abortions. The availability of quality reproductive health care ought to be available to all female members of the military.

Abortion is legal for American women. To deny American military women access to medical treatment they can trust is wrong. I urge my colleagues to vote the Murray-Snowe amendment.

Mr. HUTCHINSON. Mr. President, may I inquire as to how much remains on each side?

The PRESIDING OFFICER. The sponsor of the amendment has 10 minutes remaining; the opposition has 15 minutes remaining.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I will address a few of the issues that have been raised.

First, the Department of Defense stand on this: We have it confirmed that Secretary Cohen, the Secretary of Defense, does support this amendment. Several people have questioned Dr. Sue Bailey, who is Assistant Secretary of Defense, and wrote a very eloquent letter in support of this position. She did recently leave the Department. However, the Department's policy still is intact. Despite her being gone, the Department policy remains strongly the same.

Second, I keep hearing the question of taxpayer funds. Let me lay this out for everyone one more time. Current policy requires a woman who serves in the military overseas to go to her commanding officer and request permission for leave of absence. She cannot get free transport without giving them a reason why. She has to go to her commanding officer, most likely a male, explain to him that she needs abortion services, and then we provide her transportation back to the United States. Her transportation is usually on a C–17 or a military transport jet that I assume costs a lot more than an abortion procedure would in a military hospital.

What we are saying with this amendment is not to use taxpayer dollars, despite what the opponents keep asserting. We are simply asking that a woman who serves in the military overseas be allowed to pay for her own health care services in a military hospital so she can have access to a safe and legal abortion, just as women in this country do every day.

This is an issue of fairness. We are asking the women who serve in our military be allowed the services that every woman has a right to in this country. They are overseas fighting to protect our rights. Certainly, the least we can do is provide them rights as well.

I yield what time he needs to the Senator from Michigan, Mr. LEVIN.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Senator from Washington and Senator SNOWE. They have been doing an important job for the Nation.

We require an awful lot from the service men and women who serve us here and abroad. We ask them to volunteer to serve in the military. Then we send them all over the world to serve our Nation's interests. When we ask them to serve in foreign countries, the least we can do is to ensure they receive medical care equal to what they would receive in the United States. Servicewomen and their dependents who are fortunate enough to be stationed in the United States and who make the difficult decision to have an abortion can, at their own expense, get a legal abortion performed by a doctor in a modern, safe, American medical facility with people who speak English. Military women stationed overseas do not have that opportunity under current law.

That is what the Snowe-Murray amendment would change. The alternative of seeking an abortion from a host nation doctor who may or may not be trained to U.S. standards in a foreign facility where the staff may not even speak English is an unacceptable alternative. Our servicewomen deserve better.

This amendment is not about conferring a fringe benefit on military women. It is, rather, a vote to remove a barrier to fair treatment of women in the military. This amendment does not require the Department of Defense to pay for abortions. As the Senator from Washington very clearly explained again, all the expenses would be paid for by those who seek the abortion.

The Defense Department calculates the cost of medical procedures in military health care facilities all the time. They routinely compute the cost of health care provided to military members and their families when seeking reimbursement, for instance, from insurance companies. Medical care, for instance, provided to a beneficiary who is injured in an automobile accident is routinely reimbursed by the insurance company of the driver at fault.

To say that we cannot calculate the indirect costs of medical care to the Government is simply not an accurate statement of what takes place already. The Defense Department calculates costs—direct and indirect—to the Government right now when it charges a third party for reimbursement.

There is no requirement in this bill—quite the opposite—that the Government pay for the abortion. It makes it very clear that the person who seeks the abortion must pay for the abortion.

Finally, we have heard about military doctors who have said in the past that they did not want to perform abortions. We heard one of our colleagues say that doctor after doctor said they did not want to perform an abortion.

That is why this amendment provides that abortions could only be performed by American military doctors who volunteer to perform abortions.

This amendment is about whether or not women who serve in the military are going to be treated as second-class citizens. That is what this amendment is about—whether it is going to be made more difficult for them when serving us abroad to exercise a constitutional right which the Supreme Court has conferred.

It is very intriguing to me that the opponents of this amendment speak about a woman being able to receive transportation back to this country. They don't seem to object to that; quite the opposite. They say: Look, we are making Government-provided transportation available to the woman. Why isn't the same objection being made to that?

The answer is because denial of access to a military hospital abroad for an American woman who chooses to have an abortion does not facilitate that procedure. And the opponents of this amendment, as a matter of fact, oppose this procedure. They want to make it more difficult. And forcing a woman to ask a commander to have leave and then, if transportation is going to be made available, provide transportation back to the United States to have an abortion, and then back across the ocean overseas, clearly makes it more difficult and in many cases more dangerous for that woman to have the procedure.

That is what this debate is all about. It is not about whether the Government is going to pay for the abortion or whether this is a fringe benefit. It is not. The woman must pay for it in that hospital by a doctor who voluntarily agrees to perform it.

This amendment is about whether or not we wish to remove a barrier which has been placed in front of a woman who chooses to exercise, at her own expense, that constitutional right.

I hope the votes will be here this time to remove this badge of second-class citizenship which now exists in the law which unduly, unfairly, and sometimes dangerously restricts the right of a woman who is serving us in our military to exercise her constitutional right.

I again thank my friend from Washington for her leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I yield myself all but the remaining 2 minutes of the time allotted to my side.

Let me clarify a couple of things from my perspective.

It has been alleged that if you have a servicewoman who is seeking an abortion under current policy, you put her on an aircraft, fly her back to the U.S. at taxpayers' expense, and therefore what is the difference? And the only reason we want to maintain the current policy is we want to put an impediment up to a woman having an abortion.

The current DOD policy for servicewomen seeking to obtain abortions is that they may fly on a space-available basis, if the aircraft are already making the trip for operational reasons—not for the purpose of facilitating abortions. Space-available transportation is available for any service member on leave regardless of what their motivation is.

These aircraft have been referred to repeatedly during the debate as ''cargo aircraft.'' In fact, these aircraft have passenger seats just as on civilian airlines.

I wish to propound a series of questions to the distinguished Senator from Washington, Mrs. MURRAY, on my time.

I ask the Senator exactly how she would calculate the cost of reimbursing DOD for the expense of an abortion procedure. Does she count only things consumed such as blood, bandages, and surgical tools, or would she compute the cost of using the facility, the salaries of the support staff, and the other medical equipment used to perform such a procedure?

Mrs. MURRAY. Mr. President, any hospital today has to calculate costs. Certainly I give a lot of credence to our military hospitals and to the military officials who run them to be able to do the same thing just as they have done prior to the time when women could have access to these abortions.

Mr. HUTCHINSON. Mr. President, I ask Senator MURRAY, if her proposal allows, as she argues, for a true calculation of the expenses, how much does she calculate the Government would be reimbursed for performing an abortion?

Mrs. MURRAY. Mr. President, that question goes directly to what the military is able to do, which is to themselves figure out what the cost is and bill it. It is an easy thing to do. They have done it before. It is not up to me to calculate the cost. Our military officials who run our hospitals are highly qualified individuals who have the ability to figure out what their costs are.

Mr. HUTCHINSON. After 1993, when the President, by Executive memorandum, ordered that military hospitals provide abortions overseas, there was, as the Senator from Washington knows, no physician who volunteered to do that. Where there would be no current doctors volunteering to perform abortions, does it envision the

possibility of contracting civilian doctors to perform abortions in military facilities?

Mrs. MURRAY. Mr. President, we have the ability within our military hospitals right now to contract procurements of what our military personnel need. It would frighten me a great deal as a woman serving in the military if none of our military hospitals overseas knew how to perform an abortion in an emergency in case a woman's life is at risk, which we now need to know is available. If we are saying there are no doctors available anywhere in the entire world where we have service people available to perform that service, I would be frightened as a woman in the military service today if my life was at stake and there would not be a doctor available to help me.

Mr. HUTCHINSON. I take it that the answer is, yes, that the Senator envisions contracting doctors to perform.

Mrs. MURRAY. Just as we do with any other requirement in the military.

Mr. HUTCHINSON. In such an instance, would DOD then identify the contract physician?

Mrs. MURRAY. I would assume so. But, again, I would like to point out that we will bill the woman for the costs, whether it is contracted or not. She will be liable to pay.

Mr. HUTCHINSON. Is the Senator proposing that the Department of Defense perform elective abortion procedures in countries where abortions are prohibited by law?

Mrs. MURRAY. Our military hospitals overseas are on military facilities and go by American law. They would be performed in those facilities overseas on our property.

Mr. HUTCHINSON. I thank the Senator. I appreciate very much her candor in answering the questions. I think it has been illuminating.

I would like to go back on some of these questions. Frankly, it has been made very clear by the Department of Defense, as I stated earlier, that they do not currently have the ability to make these calculations on a case-by-case basis.

I quote once again that ''procedures performed in military hospitals are assigned a diagnostic-related group code, but these are assigned or allocated costs that do not necessarily reflect resources devoted to a specific case.''

That is very plain.

They further go on and say that military infrastructure and overhead costs cannot at the present time be allocated on a case-by-case basis.

As much as we would like to say and as much as I believe the proponents of this amendment are sincere, it is not currently possible for the Department of Defense to calculate what portion of the infrastructure, the equipment and facilities, should be allocated to an individual servicewoman seeking an abortion. That simply means we will, in fact, be subsidizing abortion procedures, and in doing so violate existing law.

I raise another issue as we think about Senator MURRAY's response to my questions. She said: Yes, in the case that you contract for a physician, it would be assumed that the proper defense would indemnify the contract physician. That means that the U.S. Department of Defense becomes the malpractice insurer for that abortion provider, that contract physician. It means that should there be a botched abortion, that doctor doesn't have to worry about malpractice because it is the U.S. Government that will, in fact, indemnify those costs. The Senator is correct; it is a terrible liability we would be assuming.

Senator MURRAY, in her response to my questions, also said it was her understanding that her amendment would allow elective abortion procedures to be performed in countries where abortion is prohibited by law. That is a very candid confession because that would dramatically change current DOD policy. This amendment would, in fact, allow abortions to be performed in countries where it is against the law. That includes South Korea, where we have 5,958 women serving. It includes Germany, where there are 3,013 women serving. Over 9,000 women serve overseas.

We are not just changing one Department of Defense policy. We are changing current policy that honors the laws of the countries in which these men and women are serving, a dramatic change from current policy and one of which my colleagues certainly need to be aware.

Much of this debate has been about providing abortions to military personnel overseas. The amendment would remove the restrictions on performing abortions at all military hospitals, even in the United States.

I urge my colleagues to look closely at the Murray amendment and exactly what it seeks to amend. I want my colleagues to be aware this amendment permits abortions at any military facility overseas or in the United States. This is not a simple refinement of current policy. This is not something dealing with the quality and fairness.

It can be argued that if it does not overturn current DOD policy regarding countries where abortion is illegal, you are only going to exacerbate any disparity that exists by saying some women overseas would be able to go to an American military facility and receive an abortion and others in countries where it was illegal would not. This is a dramatic change that would not only permit abortions in military facilities overseas but would also make a dramatic change in military facilities in the United States.

The arguments are clear and the arguments are persuasive. It is a mistake for this Congress to intervene and change current DOD policy, a policy that has worked well, a policy that accommodates women in uniform who desire to have an abortion, but without turning the American taxpayer into subsidizers of a practice that they find deeply, deeply offensive.

In Senator MURRAY's response to my question regarding what this amendment would do to our current policy regarding abortions in countries where it is illegal, we could have a dramatic and detrimental effect on our diplomatic relationships with our allies. Would Saudi Arabia continue to permit U.S. forces to remain if we permitted abortions at our facilities? How would the South Korean Government react to having abortions, which are illegal in South Korea, performed at the U.S. military facilities? These are serious issues. This is not something to be trifled about in a 2-hour debate on the floor of the Senate, as if we are trying to provide equity and to be fair to our women and military overseas.

The evidence is clear. The Murray amendment violates the Hyde provision in current law. The Hyde provision says we are not going to subsidize abortions; we are not going to spend public funds for abortions. It is a provision that has wide, broad, bipartisan support across this country. In fact, it is supported by both those who are prochoice and those who are pro-life, who believe, even if a woman has this constitutional right, those who are offended by that, those who believe it is wrong, should not be required to subsidize it.

The Murray amendment chips away at that basic provision supported by the American people. It says she may have to pay something, but we are going to use taxpayer-funded facilities, taxpayer supported and paid for salaries, support staff, and equipment. If that is not subsidizing it, I am not sure what is. The Department of Defense has made it clear that trying to calculate the infrastructure, support staff, salaries, and everything else that goes into a military health care facility simply cannot currently, understandably, be computed on a case-by-case basis.

The issue about indemnification of contracted doctors is a serious issue that bears very serious consideration by this Senate. It is an issue that has not been previously raised. Senator MURRAY said, yes, if, as in 1993 when not one physician in the military volunteered to perform abortions when the President said we were going to offer these services in military facilities around the world, not one volunteered to do that, Senator MURRAY says in that circumstance, should that recur, under her amendment we will go out and contract. If we go out and contract physicians, it is a very clear and

explicit violation of the Hyde amendment and, in addition, subjects the U.S. Government to untold liability.

I believe men and women of good will differ and do sincerely differ on the abortion issue. I do believe that men and women of good will, respecting the sincere convictions of others, do not believe those who are offended by the practice of abortion should be required to subsidize it. That is what is at issue. There can be no serious question. There can be no real debate that, in fact, by taking the step the Murray amendment suggests, we are going to put the U.S. military in the business of performing abortions. I don't believe that is supported by the American people. I don't believe that is in the spirit of the Hyde law. I don't believe that meets the criteria of the letter of that law.

It would be a terrible mistake down the slippery slope of providing abortion in this country to pass the Murray amendment and, in so doing, make millions and millions and millions of Americans who feel very deeply about this issue involuntary contributors to the practice of abortion by having this procedure done in military facilities not only overseas but here in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I only have 33 seconds. I find it incredible that the argument has been made that if we allow women to pay for their own abortions in military facilities overseas, it will undermine our relationships with our host countries. We have sovereign law that covers our military facilities. If we were to flip that argument, we could simply say that in a country that provides abortions, if we don't provide them in our hospitals, it may also seriously undermine our credibility.

This amendment is about allowing the women overseas who serve our country and fight for us every day the same rights as the women in this country. I urge my colleagues to support this amendment and to send a message to the women who serve us overseas that we, too, will fight for their rights.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that when all debate time on the Murray amendment expires, there be an additional 20 minutes of debate relating to the hate crimes amendment, equally divided between Senators HATCH and KENNEDY. I further ask unanimous consent that following that debate, there be 4 minutes equally divided for closing remarks relative to the Murray amendment prior to the scheduled series of rollcall votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I yield any remaining time on our side.

AMENDMENT NO. 3474

The PRESIDING OFFICER. All time has expired on the Murray amendment. Who yields time? The Senators from Massachusetts and Utah control time on the debate on the Hatch amendment.

Mr. KENNEDY. Mr. President, as I understand it, Senator HATCH will control 10 minutes; am I correct?

The PRESIDING OFFICER. The Senator is correct. Senator HATCH controls 10 minutes and Senator KENNEDY controls 10 minutes.

The Senator from Utah.

Mr. HATCH. Mr. President, I rise to speak in favor of the amendment that I have offered concerning the horrible crimes that are being committed in our country that have come to be known as hate crimes. They are violent crimes that are committed against a victim because of that victim's membership in a particular class or group. These crimes are abhorrent to me, and I believe to all Americans who think about it. They should be stopped. That is why I have offered this amendment.

My amendment does two things. First, it requires that a comprehensive analysis be conducted to determine whether State and local jurisdictions are failing or refusing to prosecute hate-motivated crimes to the fullest extent possible. Second, it provides assistance to State and local jurisdictions who lack the resources to carry out their duties of combating hate crimes.

Let me talk about the comprehensive study first. Under the Hate Crimes Statistics Act, data has been collected regarding the number of hate-motivated crimes that have been committed throughout the country. This data, however, has never been properly analyzed to determine whether States are abdicating their responsibility to investigate and prosecute hate crimes. My amendment calls for a comprehensive analysis of this raw data that would include a comparison of the records of different jurisdictions—some with hate crimes laws, others without—to determine whether there, in fact, is a problem with the way certain States are investigating and prosecuting these crimes.

Supporters of broad hate crimes legislation, like that proposed in the Kennedy amendment, claim that there are States and localities that are unwilling to investigate and prosecute hate crimes. It is unclear whether this claim is true. There is precious little evidence showing that there is a widespread problem with State and local police and prosecutors refusing to enforce the law when the victim is black, or a woman, or gay, or disabled.

At the hearing on hate crimes legislation that we held in the Judiciary Committee, Deputy Attorney General Eric Holder came to testify and explain the reasons why the Justice Department supports the expansive legislation proposed by Senator KENNEDY. I asked Mr. Holder the rather basic and straightforward question of whether he could identify ''any specific instances in which State law enforcement authorities have deliberately failed to enforce the law against the perpetrator of a crime.'' After he gave a somewhat non-responsive answer, I asked him again: ''Can you give me specific instances where the States have failed in their duty to investigate and prosecute hate crimes?'' Mr. Holder could not. He then indicated that he would go back to the Justice Department, conduct some research, and then provide the Judiciary Committee with the specific instances for which I asked.

In a subsequent response to written questions, the Justice Department identified three cases in which the Justice Department ''filed charges against defendants . . . after determining that the state response was inadequate to vindicate the federal interest.'' In addition, the Department identified two cases where the Justice Department determined that the State could not ''respond as effectively as the Federal Government because, for example, State penalties are less severe.'' These five cases hardly show wholesale abdication of prosecutorial responsibilities by State and local prosecutors. To the contrary, these cases show that State and local authorities are vigorously combating hate crimes and, where necessary, cooperating with Federal officials who may assist them in investigating, charging, and trying these defendants.

During the debate yesterday, Senator KENNEDY indicated that the Justice Department had produced additional examples of cases where State and local prosecutors have failed or refused to prosecute hate crimes. There are three of these additional cases. I have to say, however, that the three additional cases produced by the Justice Department and cited by Senator KENNEDY do not establish that State and local authorities are unwilling to combat hate crimes.

So where does that leave us? We are being asked to enact a broad federalization of all hate-motivated crimes that historically have been handled at the State and local level because, it is argued, States and local authorities are either unable or unwilling to prosecute them. My amendment's grant program addresses the first concern—that States and localities, because of a lack of resources, are unable to prosecute these crimes. If there is not enough money there, let's put enough money into the bill. I am not against increasing the sums. As for the second concern, we are being asked to conclude that States and localities are unwilling to prosecute hate-motivated

crimes on the basis of eight cases—eight cases out of the thousands and thousands of criminal cases that are brought each year. Eight cases, I might add, that at the very least are equivocal on the issue of whether States and localities are failing or refusing to prosecute hate crimes.

Supporters of the Kennedy amendment also cite to the horrible beating death of Matthew Shepard in Laramie, WY, and the dragging death of James Byrd, Jr. in Jasper, TX, as evidence that there is a problem that Congress should address. But the Shepard and Byrd cases prove my point. Both were fully prosecuted by local authorities who sought and obtained convictions. In the Byrd case, the defendants were given the death penalty—something that would not be permitted under the Kennedy amendment.

This is not a case where my mind is made up; where no matter what evidence I am shown of dereliction by State and local authorities in the area of hate crimes, I would say that it is not enough, or is not sufficient for me to believe that there is a problem. I am open to the possibility that State and local authorities are not doing their part. I hope that is not true, but my mind is not made up. That is why my amendment calls for a comprehensive study that would carefully and thoroughly and objectively study the data we have collected to see if there is a disparity in the investigation and prosecution of hate crimes. If there is a problem with prosecution at the State level, then I am on record calling for an effective and responsible Federal response.

To summarize: My amendment calls for a comprehensive analysis of hate crimes statistics to determine whether, in fact, any State and local law enforcement authorities are unwilling, for whatever reason, to combat these horrific crimes. Even if the eight cases identified by the Justice Department did show that State and local authorities were unwilling to investigate and prosecute hate-motivated crimes, they still would only be eight cases out of the thousands and thousands of cases that are brought each year. They simply do not show a widespread problem regarding State and local prosecution of hate-motivated crime.

In fact, if you look at them it show that the system is working and the two bodies, the State and local prosecutors and the Federal prosecutors generally work together and they simply do not show a widespread problem regarding State and local prosecutions of hate-motivated crime.

Reasonable people should agree that an analysis of the hate crimes statistics that have been collected ought to be conducted to determine whether there is anything to the argument that State and local authorities are failing to combat hate crimes. If the study shows that State and local authorities are derelict in their duties when it comes to hate crimes, I will be the first to support legislation targeted at such government conduct.

The second main thing that my amendment does is create a grant program to help provide resources to States and local jurisdictions to investigate and prosecute hate-motivated crimes. Supporters of the Kennedy amendment claim that some State and local jurisdictions do not have adequate resources to combat hate crimes. They say that these jurisdictions, while willing to combat hate crimes, are unable to do so because they lack the resources. My amendment answers this very real concern. My amendment would equip States and localities with the resources necessary so that they can combat such crimes. And my Amendment would do so without federalizing every hate-motivated crime.

Now, I should make clear what my amendment does not do. It does not create a new federal crime. It does not federalize crimes motivated because of a person's membership in a particular class or group. Such federalization would, in my estimation, be unconstitutional and would unduly burden federal law enforcement, federal prosecutors and federal courts.

I must say that the serious constitutional questions that are raised by the Kennedy amendment's broad federalization of what are now State crimes is its greatest drawback. The intention of Senator KENNEDY's amendment—to combat hate-motivated crimes—is certainly praiseworthy. But the Kennedy amendment's method for achieving this laudable aim—by making a federal case out of every hate-motivated crime—is not. If enacted, the Kennedy amendment likely will be struck down as unconstitutional. As I discussed at length yesterday, Congress simply does not have the authority to enact such broad legislation under either Section 5 of the Fourteenth Amendment or the Commerce Clause. This is clear in light of the Supreme Court's decision last month in United States v. Morrison.

During the debate yesterday it was argued that the Thirteenth Amendment provides Congress with the authority to enact the Kennedy amendment. I respectfully disagree. The Thirteenth Amendment provides:

> Neither slavery nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have the power to enforce this article by appropriate legislation.

Under this amendment, Congress is authorized to prohibit private action that constitutes a badge, incident or relic of slavery. An argument could perhaps be made that the failure or refusal by State authorities to investigate and prosecute crimes committed because the victim is an African-American constitutes a badge or incident or relic of slavery. But while this creative, Thirteenth Amendment argument possibly may work for federal regulation of hate crimes committed against African-Americans, it simply does not work for federal regulation of hate crimes against women, or gays, or the disabled, as the Thirteenth Amendment applies only to the badges or incidents or relics of slavery. At no time in our nation's history, thank goodness, have our laws sanctioned the enslavement of women, homosexuals or the disabled.

Supporters of the Kennedy amendment argued yesterday that the Justice Department has placed its stamp of approval on this creative, Thirteenth Amendment argument. I am fairly confident, however, notwithstanding the Justice Department's opinion, that the Supreme Court will not interpret the Thirteenth Amendment so expansively.

In conclusion, it is my hope that my colleagues who intend to vote for the Kennedy amendment will also support my amendment. While I strongly disagree with the approach taken by the Kennedy amendment, the two amendments are not inconsistent. My amendment provides for a strong and workable assistance program for State and local law enforcement. Indeed, it has the support of the National District Attorneys Association. Further, my amendment requires a comprehensive study so that we can really learn what, if any, problems and difficulties exist at the State and local level.

With that, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 minutes.

Mr. ROBB. Mr. President, I rise to support the Smith-Kennedy legislation. This legislation will simply strengthen existing hate crime laws by enhancing the Federal Government's ability to assist State and local prosecutions. It is a little bit like Project Exile, which is so much in vogue and which has been practiced so successfully in Richmond, VA. This will allow the resources of the Department of Justice to be made available where appropriate to investigate and prosecute those in our society who commit acts of brutality based on hate. The dragging death of James Byrd, Jr., an African American man in Jasper, TX, the torture and death of Matthew Shepard, a homosexual male in Laramie, WY, shocked the national conscience. Hate crimes have occurred in the Commonwealth of Virginia as well.

In 1999, a man was sentenced to life in prison and fined $100,000 for his role

in the death of an African American man who was beheaded and burned in Independence, VA. And a homosexual man was murdered and his severed head was left atop a footbridge near the James River in Richmond, VA. It is hard to imagine the pain and suffering of the victims and their families.

This legislation does not allow individuals to be prosecuted for their hateful thoughts; rather it allows them to be punished for their hateful acts. Willfully inflicting harm on another human being based on hate is not protected free speech. I urge my colleagues to support this amendment and demonstrate our commitment to eradicate the hate.

I reserve any time remaining to the Senator from Massachusetts.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. SMITH of Oregon. Mr. President, I rise today as a cosponsor of the Kennedy-Smith amendment. I also rise to announce my support for the amendment offered by Senator HATCH. I ask my colleagues, in voting for Senator HATCH's amendment, to vote for Senator KENNEDY's as well. It is fine to study, but I think we know enough. We know that hate crimes are already committed in our society.

When I, as a human being, wake up to read headlines of a black man dragged to death and a gay man beaten to death, I want to do something. I believe in the separation of State governments and the Federal Government. I understand all of that. But doggone it, it is OK for the Federal Government to show up to work. It is time for us to say as Republicans and Democrats that we want to make a difference. We want our police officers to help not primarily but secondarily and to be there to teach, to prosecute, and to pursue those who commit the most malignant of crimes.

I say to my colleagues, there are two critical words, in my view, missing in Senator HATCH's amendment. The words are ''sexual orientation,'' as it applies to making it a Federal crime. I never thought I would be on the Senate floor saying this until I saw the report of Matthew Shepard's death. I began to ask myself what I could do.

Many in the Senate are reflexively inclined to vote no on the Kennedy amendment because of feelings of religious reluctance. I understand that because I shared those feelings for a long time. Then I happened upon a story in a book that I regard as Scripture. It is in the eighth chapter of John when the Founder of the Christian faith was confronted by the Pharisees and the Sadducees of His day with a hate crime. A woman who was caught in the very act was to be stoned to death. What did He do? His response was to speak in such a way to shame the self-righteous and the sanctimonious to drop their stones, and He saved her life. We should do the same.

I do not believe on that day He endorsed her lifestyle anymore than I believe anyone here will be endorsing any lifestyle if they vote for the Kennedy-Smith amendment. I believe what my colleagues will be doing is following an example that says when it comes to violence and hatred, we can stand up for one another. No matter our distinctions, no matter our uniqueness, no matter our peculiarities, no matter how we pray or how we sin, we can stand up for each other, and we can stand up against hate.

I say to my colleagues: Vote for Senator HATCH's amendment. It is fine, but it does not go far enough, in my view, and it is time to go far enough to include this group of Americans who are not now included in a current Federal law.

The PRESIDING OFFICER. The time allocated to the Senator has expired.

Mr. SMITH of Oregon. Mr. President, I conclude with this plea: Put down the stone and cast a vote based on love, cast a vote against hatred and vote for the Kennedy-Smith amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, how much time does the Senator from Utah have?

The PRESIDING OFFICER. The Senator has 2 minutes 52 seconds remaining.

Mr. HATCH. Mr. President, the distinguished Senator from Oregon made my case. I decry what happened in the Matthew Shepard case. I decry what happened in the James Byrd case. Those horrific crimes, however, were investigated by local authorities and prosecuted by local prosecutors. In both instances, the local prosecutors obtained appropriate sentences—life terms in the case of the Shepard defendants and death sentences in the case of the Byrd defendants. Local law enforcement and local prosecutors did their jobs and investigated and prosecuted truly awful hate crimes.

All of these horrible examples of hate crimes were handled properly by State and local authorities. That is why my amendment is strongly supported by the National District Attorneys Association, the major organization that represents State and local prosecutors throughout the country.

The National District Attorneys Association has endorsed my amendment because State and local prosecutors believe that the assistance offered in my amendment would be very helpful to them as they seek to fight hate-motivated crime.

In a letter of support, the National District Attorneys Association also states that it strongly endorses my amendment because my amendment ''appropriately recognizes that local law enforcement has the primary responsibility to safeguard their citizens while working as a team with the Federal Government.''

I have at least a couple of problems with the Kennedy amendment. First, it is unconstitutional. The Morrison case, decided only a month ago, is directly on point and leads to the inexorable conclusion that the Kennedy amendment, if adopted, will be struck down as unconstitutional. Second, the Kennedy amendment is overbroad. It would make a federal case out of every single hate-motivated crime that occurs in this country—including all rapes and sexual assaults, which currently are prosecuted under State law. Can you imagine what will happen if our Federal courts are clogged with all the rape cases in this country that are currently being handled very well by State and local prosecutors? That is why the National District Attorneys Association is strongly supportive of what I am trying to do here today.

My amendment takes action with regard to the horrible crimes that are being committed in our country that have come to be known as hate crimes. They are violent crimes that are committed against a victim because of that victim's membership in a particular class or group. These crimes are abhorrent to me, and to all Americans. They should be stopped. That is why I have offered this amendment.

My amendment does two things. First, it requires that a comprehensive analysis be conducted to determine whether State and local jurisdictions are failing or refusing to prosecute hate-motivated crimes to the fullest extent possible. Second, it provides assistance to State and local jurisdictions who lack the resources to carry out their duties of combating hate crimes.

Let me talk about the comprehensive study first. Under the Hate Crimes Statistics Act, which I worked to get enacted in 1990, data has been collected regarding the number of hate-motivated crimes that have been committed throughout the country. This data, however, has never been properly analyzed to determine whether States are abdicating their responsibility to investigate and prosecute hate crimes. My amendment calls for a comprehensive analysis of this raw data that would include a comparison of the records of different jurisdictions—some with hate crimes laws, others without—to determine whether there, in fact, is a problem with the way certain States are investigating and prosecuting these crimes.

Supporters of broad hate crimes legislation, like that proposed in the Kennedy amendment, claim that there are States and localities that are unwilling

to investigate and prosecute hate crimes. It is unclear whether this claim is true. There is little or no evidence showing that there is a widespread problem with State and local police and prosecutors refusing to enforce the law when the victim is black, or a woman, or gay, or disabled. Of the thousands—perhaps hundreds of thousands—of criminal cases that are brought every year, the Justice Department could identify only five cases where it believed that it could have done a better job than the States in prosecuting a particular hate crime. In each of these five cases, however, the States either investigated and prosecuted the hate crime themselves, or worked with the federal government to investigate and prosecute the hate crime. In none of these cases did the perpetrator of the hate crime escape the heavy hand of the law.

In United States v. Lee and Jarrad, a 1994 case from Georgia, the State obtained a guilty plea from one of the defendants and, after investigating the matter for several months, determined that there was insufficient evidence to prosecute the other defendant.

In United States v. Black and Clark, a 1991 case from California, the county sheriff—who lacked resources—ceded investigatory authority to the FBI after the federal government indicated its desire to investigate and prosecute the case. Because the defendants were charged federally, State prosecutors declined to bring State charges. My amendment would provide grants for similarly situated Sheriffs who operate on a tight budget.

In United States v. Bledsoe, a 1983 case from Kansas, the State prosecuted the defendant for homicide and, after a trial, the defendant was acquitted. The Justice Department then brought federal charges and obtained a life sentence.

In United States v. Mungia, Mungia and Martin, a Texas case, state prosecutors worked with federal prosecutors and agreed that federal charges were preferable because (1) the defendants could be tried jointly in federal court and (2) overcrowding in State prisons might have led to the defendants serving less than their full sentences.

And, in United States v. Lane and Pierce, a 1987 case from Colorado, State prosecutors worked with federal prosecutors and agreed that federal charges were preferable because most of the witnesses were in federal custody in several different States.

These five cases hardly show wholesale abdication of prosecutorial responsibility by State and local prosecutors. To the contrary, these cases show that State and local authorities are vigorously combating hate crimes and, where necessary, cooperating with federal officials who may assist them in investigating, charging, and trying these defendants.

During the debate yesterday, Senator KENNEDY indicated that the Justice Department had produced to the Judiciary Committee additional examples of cases where State and local prosecutors have failed or refused to prosecute hate crimes.

In fact, the Justice Department did identify three additional cases to Senator KENNEDY. However of these three additional cases produced by the Justice Department and cited by Senator KENNEDY, none establishes that State and local authorities are unwilling to combat hate crimes.

In the 1984 case of United States v. Kila, the State authorities who were investigating the case requested that the Justice Department become involved in the case and bring federal charges. A federal jury then acquitted the defendants of the federal charges.

In a 1982 case that the Justice Department does not name, the defendant was acquitted of federal charges; the Justice Department does not state whether State charges were brought or whether the local prosecutors simply deferred to the federal prosecutors.

And, in United States v. Franklin, a 1980 case from Indiana, the defendant was acquitted of federal charges; again, the Justice Department does not state whether State charges were brought or whether local prosecutors deferred to federal prosecutors.

In summary, my amendment calls for a comprehensive analysis of hate crimes statistics to determine whether, in fact, any State and local law enforcement authorities are unwilling, for whatever reason, to combat these horrific crimes.

Even if the eight cases I have just discussed did show that State and local authorities were unwilling to investigate and prosecute hate-motivated crimes, they still would only be eight cases out of the thousands and thousands of cases that are brought each year. In no way do they show a widespread problem regarding State and local prosecution of hate-motivated crime. Reasonable people should agree that an analysis of the hate crimes statistics that have been collected ought to be conducted to determine whether there is anything to the argument that State and local authorities are failing to combat hate rimes. If the study shows that State and local authorities are derelict in their duties when it comes to hate crimes, I will be the first to support legislation targeted at such government conduct.

The second main thing that my amendment does is create a grant program to help provide resources to States and local jurisdictions to investigate and prosecute hate-motivated crimes. Supporters of the Kennedy amendment claim that some State and local jurisdictions do not have adequate resources to combat hate crimes. They say that these jurisdictions, while willing to combat hate crimes, are unable to do so because they lack the resources. My amendment seeks to answer this very real concern. My amendment would equip States and localities with the resources necessary so that they can combat such crimes. And my amendment would do so without federalizing every hate-motivated crime.

Now, I should make clear what my amendment does not do. It does not create a new federal crime. It does not federalize crimes motivated because of a persons's membership in a particular class or group. Such federalization would, in my estimation, be unconstitutional and would unduly burden federal law enforcement, federal prosecutors and federal courts.

I must say that the serious constitutional questions that are raised by the Kennedy amendment's broad federalization of what now are State crimes is its greatest drawback. The intention of Senator KENNDY's amendment—to combat hate-motivated crimes—is certainly praiseworthy. But the Kennedy amendment's method for achieving this laudable aim—by making a federal case out of every hate-motivated crime—is not. If enacted, the Kennedy amendment likely will be struck down as unconstitutional. As I discussed at length yesterday, Congress simply does not have the authority to enact such broad legislation under either Section 5 of the 14th amendment or the commerce clause. This is clear in light of the Supreme Court's decision last month in United States v. Morrison.

During the debate yesterday it was argued that the 13th amendment provides Congress with the authority to enact the legislation proposed in the Kennedy amendment. I respectfully disagree. The 13th amendment provides: ''Neither slavery nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have the power to enforce this article by appropriate legislation.'' An argument could perhaps be made that the failure or refusal by State authorities to investigate and prosecute crimes committed because the victim is an African-American constitutes at badge or incident of slavery. But while this creative 13th amendment argument possibly may work for federal regulation of hate crimes committed against African-Americans, it simply does not work for federal regulation of hate crimes against women, or gays, or the disabled, as the 13th amendment applies only to the badges or incidents or relics of slavery. At no time in our nation's history, thank goodness, have our laws sanctioned the enslavement of women, homosexuals, or the disabled.

Supporters of the Kennedy amendment argued yesterday that the Justice Department has placed its stamp of approval on this creative 13th amendment argument. I am fairly confident, however, notwithstanding the Justice Department's opinion, that the Supreme Court will not interpret the 13th amendment so expansively.

In conclusion, I urge my colleagues to vote against the Kennedy amendment. It almost certainly is unconstitutional, given the current state of constitutional law. In addition, it is bad policy to enact a broad federalization of what traditionally have been State crimes—crimes that are, by all accounts, being vigorously investigated and prosecuted at the State and local level.

I also would urge my colleagues to vote in favor of the amendment that I have offered. It calls for a study of the way States are dealing with the problem of hate crimes and provides grants to States so they will have the resources to continue their efforts. And, my amendment has the added benefit of being constitutional. For the reasons that I have stated, I urge my colleagues to vote in favor of my amendment.

I commend Senator KENNEDY and those who are supporting his amendment in the sense that all of us should be against this type of tyranny, this type of criminal activity that is motivated by hate, this type of mean, venal, vile conduct that lessens our society. But nobody should make the mistake of not understanding that I do not think the case has been made that States and localities are unwilling to combat hate crimes. In the cases I have seen, the evidence is to the contrary: States and localities are leading the fight against hate-motivated crimes. The only way to resolve this issue regarding the willingness of the States to engage in the fight against hate crimes is to do what I suggest: conduct a thoroughgoing study of the hate crimes statistics that we do have to see if, in fact, States and local jurisdictions are not doing their jobs. I, for one, do not believe that the case has been made against local prosecutors.

The PRESIDING OFFICER (Mr. GORTON). The Senator's time has expired. The Senator from Massachusetts has 3 minutes.

Mr. KENNEDY. I yield to the Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Massachusetts for yielding, and I thank the Senator from Oregon for his leadership.

Right above the Presiding Officer's chair it says: E Pluribus Unum, the motto of the United States, Out of Many One. Every hate crime puts a dagger into the heart of America, puts a dagger into our national motto, Out of Many One.

We have federalized so many crimes—gun crimes, drug crimes, car jacking, capital crimes. Why, we might ask, is the only crime we do not want to federalize that of hate?

Ask yourself that question, my colleagues. Why? They are every bit as troubling to America as other crimes, perhaps more so because they strike at the very fabric of what this country is about: E Pluribus Unum.

I urge my colleagues to support the Kennedy-Smith amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself the remaining time.

Mr. President, hate crimes are a national disgrace, and they attack everything for which this country stands. We, as a Congress, must take a clear and unequivocal stand. We have the opportunity to do so this afternoon. It ought to be bipartisan, and it ought to be an overwhelming statement of law.

As a country and as a people, we are committed to equal protection under the law. We all take pride in that. We do not say we have equal protection under the law only if you are a white male. We do not say we have equal protection under the law if you have no disability. We are not going to say we have equal protection under the law only if you are ''straight.''

We say equal protection under the law must apply to all Americans. That is what this is about. The Hatch amendment is a study. We are beyond studying. The American people want action on hate crimes. That is what our amendment does, very simply.

We ought to have the support of the overwhelming majority of the Members of this body. Hate crimes are rooted in hatred and bigotry. If America is ever going to be America, we should root out hatred and bigotry. We do not have all of the answers, but we ought to be able to use the full force of our power to make sure we are going to do everything we can—that we are not going to stand alongside but are going to be involved in freeing this country from hate crimes. Our amendment will do so.

The PRESIDING OFFICER. All time of the amendment has expired.

AMENDMENT NO. 3252

The PRESIDING OFFICER. Under the previous order, we will revert to the Murray amendment, on which there are 4 minutes equally divided.

The Senator from Washington.

Mrs. MURRAY. Mr. President, we are about to vote on an amendment that will simply allow a woman who serves us overseas in the military to go to a military facility, if she so chooses, to have an abortion that is safe and legal.

Current law requires that a woman who serves us overseas go to her commanding officer and ask for permission to fly home on a military transport, at taxpayer expense—as I say, at taxpayer expense—to fly home on a military jet to have access to what is legally given to every woman in this country today.

I heard our opponents say that this is an issue of taxpayer-funded abortions. I disagree. The amendment disagrees. This will say that women will pay for their own abortions in the military facilities.

We ask women to serve us, to fight for our rights, to go overseas in conditions that are often intolerable, to fight for this country. In return, we tell them that a decision that should be theirs, and their families, along with their physician and their own religion, is no longer a private issue for them.

From women who serve us, we take away a right that has been established in this country for many years, and we tell them, if you serve in the military, that right is taken away from you. We are asking them to fight for our rights, but we are essentially taking away their rights.

This restores that right to women who serve us overseas, to have an abortion, if they so choose. This applies to military families—to wives and daughters, as well.

I ask my colleagues to simply say to the women who serve us overseas that we support you as much as we ask you to support us.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I hope everybody will read the Murray amendment. In fact, there is nowhere in this amendment that it says a woman who is seeking an abortion overseas has to pay for it. There is nowhere that it says that. But the current policy in fact is that servicewomen serving overseas do not forfeit their right to obtain an abortion. They may request leave. They fly to the United States, or another country, on a military aircraft, on a space-available basis. The flights are for $10.

This amendment should be tabled for a number of reasons. It violates the Hyde amendment. The Department of Defense has said you cannot calculate reimbursement on a case-by-case basis, even if it did say a woman was going to pay.

As Senator MURRAY said, you would have to contract with physicians. That puts us in the position of violating the Hyde amendment by paying these physicians to come into military hospitals to perform abortions.

It is going to create untold diplomatic dilemmas because, as Senator MURRAY said, her amendment will require abortions to be performed in countries that prohibit abortions, such as Saudi Arabia and South Korea. It is going to be a thumb in the eye of our allies. It is going to create untold diplomatic problems.

Finally, it turns military hospitals into abortion providers. That is not what we want. That is not what the American people want. It is going to

make millions and millions of Americans, pro-life Americans, who have deeply held beliefs about this issue, subsidizers of a practice they find offensive and morally wrong.

I ask my colleagues to join me in tabling the Murray amendment. I move to table the amendment, Mr. President, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to table Murray amendment No. 3252. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—50

| | | |
|---|---|---|
| Abraham | Fitzgerald | Murkowski |
| Allard | Frist | Nickles |
| Ashcroft | Gramm | Reid |
| Bennett | Grams | Roberts |
| Bond | Grassley | Roth |
| Breaux | Gregg | Santorum |
| Brownback | Hagel | Sessions |
| Bunning | Hatch | Shelby |
| Burns | Helms | Smith (NH) |
| Campbell | Hutchinson | Smith (OR) |
| Cochran | Hutchison | Stevens |
| Coverdell | Kyl | Thomas |
| Craig | Lott | Thompson |
| Crapo | Lugar | Thurmond |
| DeWine | Mack | Voinovich |
| Domenici | McCain | Warner |
| Enzi | McConnell | |

NAYS—49

| | | |
|---|---|---|
| Akaka | Feingold | Lieberman |
| Baucus | Feinstein | Lincoln |
| Bayh | Gorton | Mikulski |
| Biden | Graham | Moynihan |
| Bingaman | Harkin | Murray |
| Boxer | Hollings | Reed |
| Bryan | Inouye | Robb |
| Byrd | Jeffords | Rockefeller |
| Chafee | Johnson | Sarbanes |
| Cleland | Kennedy | Schumer |
| Collins | Kerrey | Snowe |
| Conrad | Kerry | Specter |
| Daschle | Kohl | Torricelli |
| Dodd | Landrieu | Wellstone |
| Dorgan | Lautenberg | Wyden |
| Durbin | Leahy | |
| Edwards | Levin | |

NOT VOTING—1

Inhofe

The motion was agreed to.

Mr. HUTCHINSON. I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3474

The PRESIDING OFFICER. Under the previous order, there are 4 minutes of debate equally divided before a vote on an amendment by the Senator from Utah, Mr. HATCH.

The Senator from Utah.

Mr. HATCH. Mr. President, what happened to James Byrd and Matthew Shepard should not happen in a great nation such as ours. Hate crimes are abysmal. They are horrible. We should all be against them.

My amendment does two things. First, it requires that a comprehensive analysis be conducted to determine whether or not State and local jurisdictions are failing or refusing to prosecute hate-motivated crimes to the fullest extent of the law. Second, it provides monetary assistance to State and local jurisdictions who lack the resources to combat hate crimes.

My amendment is strongly supported by the National District Attorneys Association, the major organization that represents State and local prosecutors throughout the country. The National District Attorneys Association endorsed my amendment because State and local prosecutors believe that the assistance offered in my amendment would be helpful to them as they seek to fight hate-motivated crime.

In a letter, the National District Attorneys Association also states that it strongly endorses my amendment because my amendment ''appropriately recognizes that local law enforcement has the primary responsibility to safeguard their citizens while working as a team with the Federal Government.''

I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL DISTRICT ATTORNEYS ASSOCIATION,
*Alexandria, VA, June 20, 2000.*

Hon. ORRIN G. HATCH,
*Chairman, Senate Committee on the Judiciary, Washington, DC.*

DEAR CHAIRMAN HATCH: As President of the National District Attorneys Association I want to offer our strong support for your Hate Crimes amendment to the Department of Defense Authorization bill.

I am aware that several hate crimes proposals are under consideration by the Senate and want to take this opportunity to particularly emphasize the necessity for your concept to be adopted. What you would provide to local law enforcement is the ability to respond more effectively, and more efficiently, in the face of a crime, that in addition to the physical wounds and injuries of the victims', could very well pose a serious threat to the tranquility and safety of our community as well.

As you well know the majority of hate crime cases, despite any federal interest or efforts, have been, and will remain, the providence of local law enforcement efforts. The emergency grants provisions and access to federal technical assistance that you are proposing would provide invaluable assistance to us. When faced with tragedies such as those in Texas or Wyoming the ability to call upon extra resources could make all the difference, particularly in our smaller jurisdictions.

Moreover, your recognition of the necessity to provide this help under sometimes more expansive state hate crimes statutes, appropriately recognizes that local law enforcement has the primary responsibility to safeguard their citizens while working as a team with the federal government.

Sincerely,

STUART VANMEVEREN,
*District Attorney, 8th Judicial District, Fort Collins, Colorado, President.*

Mr. HATCH. Supporters of the Kennedy amendment want to enact a broad federalization of all hate-motivated crimes because, they argue, some State and local authorities are unable to investigate and prosecute hate crimes because of the lack of resources.

My amendment will solve this problem by establishing a grant program to provide financial assistance to State and local jurisdictions for the investigation and prosecution of hate crimes.

Supporters of the Kennedy amendment also argue that we should make a Federal case out of every hate-motivated crime because some States and locales are unwilling to engage in the fight against hate crimes. There is little or no evidence, however, that shows that States and localities are being derelict in their duties to enforce the law.

Supporters of the Kennedy amendment cite the horrible beating death of Matthew Shepard in Laramie, WY, and the dragging death of James Byrd, Jr. in Jasper, TX, as evidence that there is a problem that Congress should address. The Shepard and Byrd cases, however, both were fully prosecuted by local authorities who sought and obtained convictions. In the Byrd case, local prosecutors obtained the death penalty—something that would not be permitted under the Kennedy amendment.

Moreover, the Justice Department has identified only eight cases in which, in the Justice Department's view, States or localities were unwilling to investigate and prosecute a hate-motivated crime. Of the thousands and thousands of criminal cases that are brought each year, the Justice Department could identify only eight cases. These eight cases, I might add, are at the very least equivocal on the issue of whether States and localities are failing or refusing to prosecute hate crimes.

Because the evidence is so scarce on the issue of whether States and localities are unwilling to combat hate crimes, my amendment provides for a comprehensive study to see if there really is a problem with State and local prosecution of hate crimes. Studying this issue to see if there really is a problem seems to me to be a reasonable course of action.

Even if it could be clearly shown that States and localities were failing or refusing to investigate and prosecute hate crimes, the approach taken by the Kennedy amendment raises serious constitutional questions, especially in light of the Supreme Court's recent decision last month in United States v. Morrison. As written, the Kennedy amendment likely would be held to be unconstitutional under the commerce clause, the 13th amendment, the 14th

amendment, and quite possibly, the 1st amendment.

In conclusion, it is my hope that those of my colleagues who intend to vote for the Kennedy amendment also will support my amendment. While I disagree with the approach taken by Senator KENNEDY, our two amendments are not inconsistent. My amendment provides for an effective and workable assistance program for State and local law enforcement, a program that enjoys the strong support of the National District Attorneys Association. And, it requires a comprehensive study so that we can really learn what, if any, problems and difficulties exist at the State and local level.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 1 minute to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the amendment which will give jurisdiction to the Federal Government over hate crimes. Ordinarily, I support jurisdiction for the district attorney. Senator HATCH points out the National District Attorneys Association has taken on a position. I was a long-term member of that association as district attorney of Philadelphia. The fact is, prosecutors are county officials of the State system. There are great pressures against prosecutions where there is a matter of sexual orientation, or where there may be a matter of race, or where there may be a matter of religion or other hate-related crimes.

That is why I believe this is a unique field where the Federal Government ought to be involved. Ordinarily, it should be up to the local prosecutor. That is a principle to which I subscribe. But here it ought to be a matter for the Federal Government.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I rise in opposition to the Hatch amendment and in support of the approach taken by Senator KENNEDY. I do so because I believe that an 18-month study is no adequate substitute for the prompt, vigorous, assurance of civil rights for every American.

The crimes described in Senator KENNEDY's approach are not ordinary offenses. They strike at the heart of a pluralistic society. They strike at all of us, not just the individual victims. We need to look no further, colleagues, than to the Balkans to see what happens when the genie of intolerance and hate is unleashed upon an unhappy land.

We must not let that happen. We must not. We fought a civil war in our country to establish the basic principle that certain rights should be guaranteed to every American, regardless of their State of residency. We fight to reestablish that principle once again today.

Mr. President, if a study is in order, let it be in addition to establishing these basic rights, not as a replacement therefore.

Now is the time for action. I urge my colleagues to oppose the Hatch amendment and to support Senator KENNEDY in his approach.

Mr. BYRD. Mr. President, I oppose the amendment offered by Senator KENNEDY to expand the definitions of federally protected hate crimes.

I am concerned that this amendment would be challenged on Constitutional grounds and would not stand up to the scrutiny. I believe that categorizing hate crimes based on race, religion, or ethnicity as ''badges and incidents'' of slavery and relying on the Thirteenth Amendment is a tenuous argument. Furthermore, recent Supreme Court decisions finding that legislation federalizing what are traditionally State crimes exceeded Congress' powers under the Fourteenth Amendment, raise Constitutional concerns about the Kennedy amendment. The Kennedy amendment seeks to criminalize private conduct under the Fourteenth Amendment. In United States v. Morrison, the United States Supreme Court reaffirmed that legislation enacted by Congress under the Fourteenth Amendment may only criminalize State action, not individual action. I fear the Kennedy amendment will not survive a court challenge.

I further oppose the Kennedy amendment because I feel it did not go far enough in providing penalties for hate crimes. It did not include the death penalty for the newly created federal hate crimes.

I support Senator HATCH'S amendment that will allow for study and analysis of this important issue and provide additional resources for state and local entities in investigating and prosecuting existing hate crime statutes.

Mr. WARNER. Mr. President, I rise today to discuss two amendments to S. 2549, the Department of Defense Authorization bill. Specifically, I wish to discuss Senator KENNEDY's amendment and Senator HATCH's amendment, both of which deal with hate crimes.

Typically defined, a hate crime is a crime in which the perpetrator intentionally selects a victim because of the victim's actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation.

Mr. President, I deplore all acts of violence. But, I must say, that I personally find hate crimes to be particularly horrific. Crimes committed against someone simply because of that person's race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation are, in fact, different types of crimes.

In 1998, James Byrd, Jr. was beaten, tied to the back of a pickup truck, and dragged to death along a Texas road. Why? for one reason and one reason only: Mr. Byrd was black.

Later in 1998, Matthew Shepard was beaten, tied to a fence in Wyoming, and left to die. Why? For one reason and on reason only: Mr. Shepard was homosexual.

These brutal murders shocked me and shocked our Nation. James Byrd and Matthew Shepard were killed not for what they did, but simply because who they were.

Our country's greatest strength is its diversity. While it is true that certain people might not approve or might not agree with another person's religion or sexual orientation, or might not like someone's color, we must not, I repeat, we must not tolerate acts of violence that spur from one individual's intolerance of a particular group.

Hate crimes do tear at the fiber of who we are in this country. The United States is a country of inclusion, not exclusion. Hate crimes, unlike other acts of violence, are meant to not just torture and punish the victim, such crimes are meant to send a resounding message to the community that differences are not acceptable.

In 1990, I was pleased to vote in support of the Hate Crimes Statistic Act. This act required the Attorney General of the United States to gather and publish data about crimes ''that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.'' In addition, in 1994, I was pleased to support the Violence Against Women's Act. This important legislation provides funding for many important programs, including funding to prosecute offenders, funding to help victims of violence, grants for training of victim advocates and counselors and grants for battered women's shelters, to name but a few.

Presently before the United States Senate is an amendment offered by Senator KENNEDY, entitled the Local Law Enforcement Enhancement Act of 2000. This legislation, essentially, would amend current law to make it a federal crime to willfully cause bodily injury to any person because of the victim's actual or perceived race, color, national origin, religion, gender, sexual orientation or disability. This is a great expansion of federal jurisdiction. Current federal hate crimes law covers race, religion, and national origin so long as the victim is engaged in one of six federally protected activities. The Kennedy amendment would expand federal jurisdiction into certain murder, assault and battery cases and possibly all rape cases.

As a United States Senator, I believe that before the Congress passes legislation that would vastly expand federal criminal jurisdiction, we must take into consideration two important factors: the need for the legislation and the constitutionality of the legislation.

The horrific murders of James Byrd and Matthew Shepard certainly cause strong emotional feelings that would

lead me to believe that the expansion of federal hate crimes law is necessary. However, once the emotional feelings somewhat subside, we are left with the facts. In this case, the facts are not yet present to indicate a need for federal legislation.

All states have laws that prohibit murder, battery, assault, and other willful injuries. Most states, 43 I believe, have hate crimes statutes, although these states differ in what groups are covered. Since 1990, with the passage of the Hate Crimes Statistics Act, we have learned about the number of hate crimes that are occurring. These statistics, however, do not show whether states are, in fact, not prosecuting crimes under their hate crimes statutes or are not prosecuting crimes being committed against certain groups of people. If states are prosecuting such crimes, a vast expansion of federal jurisdiction is unnecessary.

Moreover, it is also interesting to point out that in some circumstances the Kennedy amendment, if it became law, would in fact result in a weaker punishment for a hate crimes perpetrator than state law. For example, the Kennedy amendment states that where the crime is murder, the convicted defendant shall be imprisoned for any term of years or for life. It does not authorize the death penalty for the most heinous crimes. Two of the three murderers of James Byrd were prosecuted, convicted and sentenced to death in Texas. The third was sentenced to life in prison.

In addition to analyzing the need for the expansion of federal criminal jurisdiction, I believe that members of Congress have a duty to evaluate the constitutionality of particular legislation before passing such legislation. I have some grave concerns about the constitutionality of the Kennedy amendment.

Congress must have constitutional authority to enact legislation. Article I, section 8 of the Constitution provides a laundry list of Congress' power to enact legislation. One such power in that list is the power to regulate interstate commerce.

From the New Deal era to the mid 1990s, the United States Supreme Court broadly interpreted Congress' authority for enacting legislation pursuant to the commerce clause. In fact, for approximately 60 years following the passage of New Deal legislation, the Supreme Court did not overturn one piece of congressionally passed legislation on the grounds that Congress exceeded its authority to enact legislation under the commerce clause.

In the past few years, however, the Supreme Court, in the cases of United States v. Lopez and United States v. Morrison, issued opinions that places some serious boundaries on Congress' authority to enact legislation under the commerce clause. Just this year, in the Morrison case, the Supreme Court struck down a provision of the Violence Against Women's Act—a bill that I supported in 1994.

The plaintiff in the Morrison case was allegedly raped by three students at a major university in my home state. She brought a civil suit in federal court under a provision in the Violence Against Women's Act that provides federal civil remedies for victims of gender motivated violence. The Supreme Court stated that this provision of VAWA was unconstitutional, holding that the Congress exceeded its authority under the commerce clause in enacting this legislation.

Now, I am not going to get intimately involved in a legal analysis of the Morrison case and its application to the Kennedy amendment. It is important, however, to point out one particular quotation in the majority opinion. Writing for the majority, Chief Justice Rehnquist stated ''if Congress may regulate gender-motivated violence, it would be able to regulate murder or any other type of violence since gender-motivated violence, as a subset of all violent crime, is certain to have lesser economic impacts than the larger class of which it is a part.'' 20000 U.S. Lexis 3422, *31 (2000). Based on the Morrison case, I have serious concerns about the constitutionality of Senator KENNEDY's amendment.

I believe that a federal role in combating hate crimes is appropriate. I support Senator HATCH's amendment to study the success of States in investigating and prosecuting hate crimes. I also support provisions in Senator HATCH's amendment that will provide assistance and federal grants to States and localities to help assist them in their investigation and prosecution of hate crimes.

Let me be clear, if a federal study indicates that states and localities have not been successful in investigating and prosecuting hate crimes, I will be the first person to join Senator KENNEDY in trying to find a constitutional federal hate crimes solution. At this time, however, I must reluctantly vote against Senator KENNEDY's amendment in light of my concerns about the necessity and constitutionality of this legislation.

Mr. DEWINE. Mr. President, I began my public career prosecuting individuals who committed violent crimes against our fellow citizens. And, that's why I believe that people who commit violent crimes should be punished.

The debate about hate crimes legislation is about fighting crime. It is about fighting violence. It is about taking a stand against crime and violence.

The amendments that we're debating here today would permit states to take full advantage of the investigative resources of the federal government in prosecuting these cases. And, should a state be unwilling or unable to prosecute a case itself, the federal government is there to make sure that these kinds of violent criminals are brought to the bar of justice.

A country that so righteously protects free speech, even when such speech is abhorrent, must vigorously act as a nation, so that when vicious speech is turned into despicable acts—acts that lead to violence and to death—such acts do not go unpunished.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment No. 3474. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—50

| | | |
|---|---|---|
| Abraham | Enzi | McConnell |
| Allard | Frist | Moynihan |
| Ashcroft | Gorton | Murkowski |
| Bennett | Gramm | Nickles |
| Bond | Grams | Roberts |
| Brownback | Grassley | Roth |
| Bunning | Gregg | Santorum |
| Burns | Hagel | Sessions |
| Byrd | Hatch | Shelby |
| Campbell | Helms | Smith (NH) |
| Cochran | Hutchinson | Smith (OR) |
| Collins | Hutchison | Stevens |
| Coverdell | Kyl | Thomas |
| Craig | Lott | Thompson |
| Crapo | Lugar | Thurmond |
| DeWine | Mack | Warner |
| Domenici | McCain | |

NAYS—49

| | | |
|---|---|---|
| Akaka | Feinstein | Lincoln |
| Baucus | Fitzgerald | Mikulski |
| Bayh | Graham | Murray |
| Biden | Harkin | Reed |
| Bingaman | Hollings | Reid |
| Boxer | Inouye | Robb |
| Breaux | Jeffords | Rockefeller |
| Bryan | Johnson | Sarbanes |
| Chafee, L. | Kennedy | Schumer |
| Cleland | Kerrey | Snowe |
| Conrad | Kerry | Specter |
| Daschle | Kohl | Torricelli |
| Dodd | Landrieu | Voinovich |
| Dorgan | Lautenberg | Wellstone |
| Durbin | Leahy | Wyden |
| Edwards | Levin | |
| Feingold | Lieberman | |

NOT VOTING—1

Inhofe

The amendment (No. 3474) was agreed to.

Mr. BYRD. Mr. President, I hope the Chair is watching for Senators who are trying to get order. I have asked for order here six or eight times, and it has not been noticed. I hope they will be more alert.

Second, I hope the Chair will clear the well.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I urge there be order in the Senate.

The PRESIDING OFFICER. We will suspend until the well is cleared. The well has not been cleared.

Mr. BYRD. Mr. President, Senators should show respect to the Chair. When the Chair asks that the well be cleared, Senators should listen and clear the well.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3473

The PRESIDING OFFICER. There are now 4 minutes equally divided on the Kennedy amendment. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I believe we have 2 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield 1 minute to the Senator from Oregon and 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I thank the Chair.

Mr. President, I say to my colleagues, we have a chance to make a difference today, to vote for an amendment that will actually help a category of Americans who need our help. I believe we have a duty to stand up against hate. I believe the law is a teacher. I believe we can teach all Americans that we will protect all Americans.

I also believe those who feel reluctant to support this amendment for religious reasons, remember the example of the Founder of the Christian faith who when a woman caught in adultery was brought to Him spoke in a way that the sanctimonious dropped their stones. He spoke in a way that saved her life. He did not endorse her lifestyle, but He saved her life.

I believe the Federal Government ought to show up to work when it comes to hate crimes, even if it includes the language of ''sexual orientation.'' It is about time we include them. Even if one does not agree with all that they ask for, help them with this.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to say I believe the time has come to adopt the Kennedy legislation. In effect, the study has been done. We know that since the early 1990s, there have been 60,000 hate crimes in this country. We know that young men such as Matthew Shepard, just because they are gay, can be beaten until they are killed. We know that a U.S. postal worker can be shot and killed simply because he happens to be a Filipino American. We see people targeted for specific crimes.

I authored the original hate crimes legislation in 1993. It had two loopholes: It excluded sex and sexual orientation. This legislation corrects it, and it only applies in pursuance of a Federal right. This legislation extends that. I urge its adoption. I thank the Chair.

Mr. LAUTENBERG. Mr. President, I rise today to express my strong support for the Kennedy/Smith Hate Crimes Prevention Amendment.

Recent events in the news have unfortunately offered a number of disturbing examples of why this legislation is so badly needed.

All of my colleagues remember that terrible day in August of last year, when a hate-filled gunman, Buford Furrow, opened fire with a semiautomatic rifle at a Jewish Community Center near Los Angeles. We all remember that line of frightened children, holding hands as policemen led them to safety. Furrow's rampage wounded three children, a teenager and a 68-year-old receptionist.

And he later used a handgun to kill a Filipino postal worker. There is every indication that Mr. Furrow, a white supremacist, was motivated by racial hatred.

Then there was the brutal attack in August 1998 on Matthew Shepard, a gay student at the University of Wyoming. Matthew was savagely beaten to death by two homophobic thugs who tied him to a fence and tortured him.

That assault came just a few months after the horrific attack on James Byrd Jr., who was chained to a pickup truck, dragged along a Texas road and killed by avowed racists motivated by prejudice.

Earlier this year, I had the privilege of meeting Matthew Shepard's parents, and the family of James Byrd Jr. at a ceremony honoring victims of crime. They are truly remarkable people, because they've turned their loss into a source of strength for others. They have devoted themselves to helping others—victims of crime everywhere—even while coping with their own personal tragedies.

That's an example that this Congress should follow. Crimes that target race, or sexual orientation, or gender, or religion are the ugliest expressions of ignorance and hate. We need stronger federal laws to deal with these crimes and the people who commit them.

Mr. President, current federal law is just too restrictive to allow federal prosecutors to try hate-crimes cases effectively. In 1994, a jury acquitted three white supremacists who had assaulted African-Americans. After the trial, jurors said it was clear the defendants had acted out of racial hatred.

But prosecutors had to prove more than that. They had to prove that the defendants intended to prevent the African-American victims from participating in a federally protected activity—a major roadblock for the prosecution's case.

The Kennedy/Smith amendment would remove that element from federal hate-crimes law. It would also allow federal prosecutors to prosecute violent crimes based on a victim's sexual orientation, gender or disability.

Mr. President, as all of us here know, no area of the country is free from hate crimes. In my home state of New Jersey, there were at least four incidents of hate-related violence between January 12 last year and January 15 this year. One of the victims was a 16-year-old gay high school student who was badly beaten.

The Kennedy/Smith amendment would bring the full force of this country's legal system to bear on incidents like this. I hope my colleagues will join me in supporting this legislation to protect American citizens from crime motivated by bigotry and intolerance.

Mr. KERRY. Mr. President, in October 1998, I stood on the steps of the U.S. Capitol Building at a candlelight vigil for Matthew Shepard, the young gay man who was beaten and left for dead on a lonely Wyoming roadway. Two thugs were arrested, charged and convicted of murdering Matthew Shepard because of his sexual orientation. Tens of thousands of people—gay and straight, black and white, young and old, Americans all—came to the Capitol with only a few hours notice to encourage the passage of a Federal hate crimes law.

The evening was memorable. We expressed our passionate conviction and knowledge that there is no room in our country for the kind of vicious, terrible, pathetic, ignorant hatred that took the life of Matthew Shepard, or of James Byrd, or of Barry Winchell, or of Brandon Teena. And the Congress responded. We came close to extending the federal hate crimes law that year, but the provision was dropped in conference.

So, we came back again to guarantee that crimes will not be tolerated when they are motivated by other people's limitations. We are here to reaffirm that hate crimes are indeed an insult to our civilization. We are here for once and for all to make certain that there will be no period of indifference, as there was initially when the country ignored the burning of black churches or overlooked the spray-painted swastikas in synagogues; or suggested that the undiluted lethal hatred is someone else's problem, some other community's responsibility.

We must accept the national responsibility for fighting hate crimes and commit—each of us in our words, in our hearts and in our actions—to insure that the lesson of Matthew Shepard and scores of others is not forgotten. Mr. President, I understand that we cannot legislate racism and hatred out of existence, but we can empower our local law enforcement officials to prosecute hate crimes. And we can empower our local communities to be free of violence and fear brought about by hate crimes.

Look to the 58 high schools in my own beautiful, progressive state of Massachusetts where 22 percent of gay students say they skip school because they feel unsafe there and fully 31 percent of gay students had been threatened or actually physically attacked for being gay. Matthew Shepard is not the exception to the rule—his tragic death is rather the extreme example of what happens on a daily basis in our schools, on our streets and in our communities. That is why we have an obligation to pass laws that make clear our determination to root out this hatred.

And today we will have carried the day in passing the Kennedy-Smith amendment.

It is my belief that Americans always act when confronted by an inherently unethical wrong. They stare down those who want us to live in fear and declare boldly that we will not live in a country where private prejudice undermines public law.

American heroes such as Martin Luther King did this when he preached in Birmingham and Memphis, when he thundered his protest and assuaged those who feared his dreams. He taught us to look hatred in the face and overcome it. Harvey Milk did this in San Francisco, when he brushed aside hatred, suspicion, fear and death threats to serve his city. Even as he foretold his own assassination, Harvey Milk prayed that ''if a bullet should enter my brain, let that bullet destroy every closet door.'' He knew that true citizenship belongs only to an enlightened people, unwavered by passion or prejudice—and it exists in a country which recognizes no one particular aspect of humanity before another.

Mr. President, we must root out hatred wherever we find it, whether on Laramie Road in Wyoming, or on a back road in Jasper, Texas, or in the Shenandoah National Park. That kind of hatred is the real enemy of our civilization. The day is here, Mr. President, when we can rightly celebrate our passage of this amendment to the hate crime prevention act to treat all Americans equally and with dignity, to allow all Americans to enjoy the inalienable rights framed in the Declaration of Independence—the rights of life, liberty and the pursuit of happiness.

This indeed will be a happy day.

Mr. KERREY. Mr. President, today's vote on hate crimes legislation marks a monumental day in our history. The U.S. Senate definitively voted in support of expanded hate crimes legislation because standing law has proven inadequate in the protection of many victimized groups. The 30-year-old Federal statute currently used to prosecute hate violence does not cover hate violence based on sexual orientation, gender or disability and requires that the victim be participating in a federally protected activity. The Kennedy-Smith amendment addresses and corrects these gaps in the law. Not only is this bill the right thing to do, but Americans overwhelmingly support it. Law enforcement groups, as well as 80 civil rights and religious organizations support this bill, in addition to a 1998 poll showing that this Hate Crimes Prevention Act is favored 2 to 1 by a majority of voters. This bill protects all Americans and ensures equal justice for all victims of hate violence, regardless of their race, religion, sexual orientation, national origin, gender, or disability—and regardless of where they live.

Mr. DODD. Mr. President, I was back in Connecticut yesterday and was unable to participate in the debate on the Kennedy-Smith amendment pertaining to hate crimes prevention. I want to take this opportunity to share my views on this most crucial issue.

The Federal Bureau of Investigation recently released its latest statistics documenting hate crimes in our country. This report establishes that over 7,500 hate crimes occurred during 1998. The FBI found that 4,321 crimes were motivated by racial bias, 1,390 because of religion, 1,260 because of sexual orientation, and 754 by ethnicity or national origin. But hate crime statistics do not tell the whole story. Behind each and every one of these numbers is a person, a family and a community targeted and forever changed by these willful acts of violence.

We as a nation know of some of these hate crimes. We know of the brutal dragging death in 1998 of James Byrd Jr., in Jasper, Texas. We know about the senseless beating of Matthew Shepard in Laramie, Wyoming in 1998. And we cannot forget the vicious acts of an armed assailant who fatally shot five people in a Jewish Community Center in Los Angeles earlier this year.

Joseph Healy, a 71-year-old Roman Catholic priest who was in Pittsburgh counseling victims of crime was gunned down in March at a fast food restaurant. Father Healy was a native of Bridgeport, Connecticut. He was killed in a racially motivated shooting. Father Healy and four other white men were shot; three of the five men died. Court documents revealed that the gunman shot the victims with ''malicious intent towards white males.''

Then there's the case of Heather Washington, a young, well respected African-American kindergarten teacher from Hartford, who along with her boyfriend was chased at high speeds on a Connecticut highway last month. The couple was pursued by a white male who yelled epithets such as ''white power,'' shot at the vehicle's tires, and rear-ended the couple's car with his own vehicle. The couple was able to escape the assailant. However, they were not able to escape the constant fear that a similar incident could happen at any time.

These are examples of the bias crimes that are committed every day in America. Every day people across the nation continue to be victims of crimes motivated by bigotry. We owe it to these victims to ensure that the perpetrators of these crimes are brought to justice.

We should not wait until these brutal and shocking crimes make national headlines. Congress has the ability, the opportunity, and the duty to do something about this epidemic now. This problem cannot and should not be ignored.

In response to these disturbing acts, I am pleased to be an original cosponsor of S. 622, the Federal Hate Crimes Prevention Act of 1999, introduced by my longtime friend and colleague Senator KENNEDY.

I believe that all people, regardless of background or belief, deserve to be protected from discrimination. We must unite now to send an unequivocal message that hate will not be tolerated in our communities. Hate crimes deserve separate and strong penalties because they injure all of us. The perpetrator of a hate crime may wield a bat against a single person, but that perpetrator strikes at the morals that hold our society together. Hate destroys what's good, what's great about America. It is just and fitting for Congress to impose sanctions against criminals who are motivated by blind bigotry. These incidences tear the very fabric of our society and they cannot be tolerated. I admit that laws have little power to change the hearts and minds of people, but Congress can ensure that those who harbor hateful thoughts are punished when they act on those thoughts. I urge my colleagues to vote in favor of the Kennedy-Smith amendment.

Mr. LEAHY. Mr. President, violent crime motivated by prejudice is a tragedy that demands attention from all of us. It is not a new problem, but recent incidents of violent crimes motivated by hate and bigotry have shocked the American conscience and made it painfully clear that we as a nation still have serious work to do in protecting all Americans from these crimes and in ensuring equal rights for all our citizens. The answer to hate and bigotry must ultimately be found in increased respect and tolerance. But strengthening our federal hate crimes legislation is a step in the right direction.

Bigotry and hatred are corrosive elements in any society, but especially in a country as diverse and open as ours. We need to make clear that a bigoted attack on one or some of us diminishes each of us, and it diminishes our nation. As a nation, we must say loudly and clearly that we will defend ourselves against such violence. All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted federal laws to

protect the civil rights of all of our citizens for more than 100 years. The Local Law Enforcement Enhancement Act of 2000 continues that great and honorable tradition.

This legislation strengthens current law by making it easier for federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. It also focuses the attention and resources of the federal government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability. This bill will strengthen Federal jurisdiction over hate crimes as a backup, but not a substitute, for state and local law enforcement. In a sign that this legislation respects the proper balance between Federal and local authority, the bill has received strong bipartisan support from state and local law enforcement organizations across the country. This support from law enforcement is particularly significant to me as a former prosecutor. Indeed, it has convinced me that we should pass this powerful law enforcement tool without further delay.

This bill accomplishes a critically important goal—protecting all of our citizens—without compromising our constitutional responsibilities. It is a tool for combating acts of violence and threats of violence motivated by hatred and bigotry. But it does not target pure speech, however offensive or disagreeable. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it. As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with, but freedom for the thought that we hate. I am devoted to that principle, and I am confident that this bill does not contradict it.

I commend Senator KENNEDY and Senator SMITH for their leadership on this bill, and I am proud to have been an original cosponsor. Senator KENNEDY has been a leader on civil rights for the better part of four decades and has worked hard to tailor this needed remedy to the narrowing restrictions of the current activist Supreme Court. Senator SMITH is someone I am getting to know better through our work on the Innocence Protection Act. He is becoming a worthy successor in the great tradition of Senators of conscience like Senator Mark Hatfield.

Now is the time to pass this important legislation. I had hoped that this legislation would become law last year, when it passed the Senate as part of the Commerce-Justice-State appropriations bill. But despite the best efforts of the President, and us all, the majority declined to allow it to become law.

Since that failure, the need for this bill has become even more clear. Just two months ago, a white man named Richard Scott Baumhammers apparently went on a racially and ethnically motivated rampage that left his suburban Pittsburgh community in shock. First, he allegedly shot his next-door neighbor, a Jewish woman, six times and then set her house on fire. He then traveled throughout the Pittsburgh suburbs, shooting and killing two Asian-Americans in a Chinese restaurant, an African-American at a karate school, and an Indian man at an Indian-owned grocery. He also shot at two synagogues during his awful journey. This incident followed only a month after Ronald Taylor, an African-American man in the Pittsburgh area, apparently shot and killed three white people during a shooting spree in which he appears to have targeted whites. Policy investigators who searched Taylor's apartment after the shooting found writings showing anti-Semitic and anti-white bias.

These ugly incidents join the numerous other recent examples of violent crimes motivated by hate and bigotry that have motivated us to strengthen our hate crimes laws. None of us can forget the story of James Byrd, Jr., who was so brutally murdered in Texas for no reason other than his race. Nor can we erase last summer's images of small children at a Jewish community center in Los Angeles fleeing a gunman who sprayed the building with 70 bullets from a submachine gun. When he surrendered, the gunman said that his rampage had been motivated by his hatred of Jews.

And of course, we are still deeply affected and saddened by the terrible fate of Matthew Shepard, killed two years ago in Wyoming as a result of his sexual orientation. Last year, Judy Shepard, Matthew Shepard's mother, called upon Congress to pass this legislation without delay. Let me close by quoting her eloquent words:

> Today, we have it within our power to send a very different message than the one received by the people who killed my son. It is time to stop living in denial and to address a real problem that is destroying families like mine, James Byrd, Jr.'s . . . and many others across America. . . . We need to decide what kind of nation we want to be. One that treats all people with dignity and respect, or one that allows some people and their family members to be marginalized.

Mr. HARKIN. Mr. President, I want to express my strong support for this amendment. I am a cosponsor because I believe that our society must enforce a message of tolerance—not hate. State and local law enforcement should not have to shoulder the burden of investigating and prosecuting hate crimes alone. This amendment allows the Federal Government to stand behind them in their effort to put a stop to hate-motivated violence.

This amendment would authorize the Department of Justice to assist law enforcement officers across the country in addressing acts of hate violence by removing unnecessary obstacles to federal involvement and, where appropriate, by providing authority for federal involvement in crimes directed at individuals because of their race, color religion, national origin, gender, sexual orientation or disability.

Because of my long involvement in the area of disability rights and the fact that this year marks the Tenth Anniversary of the Americans with Disabilities Act, I want to focus my remarks on hate crimes' impact on Americans with disabilities. Prejudice against people with disabilities takes many forms. Such bias often results in discriminatory actions in employment, housing, and public accommodations. Laws like the Fair Housing Amendments Act, the ADA, and the Rehabilitation Act are designed to protect people with disabilities from such prejudice.

Sadly, disability bias can also manifest itself in the form of violence. It is imperative that the Federal Government send a message that these expressions of hatred are not acceptable in our society.

For example, a man with mental disabilities from New Jersey was kidnaped by a group of nine men and women and was tortured for three hours, then dumped somewhere with a pillowcase over his head. While captive, he was taped to a chair, his head was shaved, his clothing was cut to shreds, and he was punched, whipped with a string of beads, beaten with a toilet brush, and, possibly, sexually assaulted. Prosecutors believe the attack was motivated by disability bias.

In the state of Maine, a husband and wife were both living openly with AIDS, struggling to raise their children. Their youngest daughter was also infected with HIV. The family had broken their silence to participate in HIV/AIDS education programs that would inform their community about the tragic reality of HIV infection in their lives. As a result of the publicity, the windows of their home were shot out and the husband was forcibly removed from his car at a traffic light and severely beaten.

Twenty-one states and the District of Columbia have included people with disabilities as a protected class under their hate crimes statutes. However, state protection is neither uniform nor comprehensive. The Federal Government must send the message that hate crimes committed on the basis of disability are as intolerable as those committed because of a person's race, national origin, or religion. And, federal resources and comprehensive coverage would give this message meaning and substance. Thus, it is critical that people with disabilities share in the protection of the federal hate crimes statute.

This legislation will also provide local and state law enforcement officials with the resources necessary to

investigate and prosecute hate crimes. In consultation with victim services organizations, including nonprofit organizations that provide services to victims with disabilities, local law enforcement officials can apply for grants when they lack the necessary resources to investigate and prosecute hate crimes. The amendment also includes grants for the training of law enforcement officials in identifying and preventing hate crimes committed by juveniles. Again, so often hate crimes on the basis of disability go unrecognized. These grants will help police identify crimes committed because of disability bias in the first place.

Mr. President, for this reason and others, this amendment is vitally important. Millions of Americans would benefit from its passage. And the public clearly recognizes this.

This amendment is a constructive and sensible response to a serious problem that continues to plague our Nation—violence motivated by prejudice. It deserves full support, and I am hopeful that the President will have an opportunity to sign this legislation into law this year.

Ms. SNOWE. Mr. President, I rise today to support Senator KENNEDY's amendment to the fiscal year 2001 Department of Defense Authorization Act. This amendment, the Local Law Enforcement Enhancement Act, is a new version of the Hate Crimes Prevention Act, of which I am a cosponsor.

Mr. President, there is nothing so ugly as hate. It saddens me that at the brink of a new century, when our country is in a time of almost unprecedented prosperity—when more people than ever before are educated, when major medical breakthroughs seem to occur almost on a daily basis—that we are still faced with racism and prejudice in our society.

Current law permits Federal prosecution of a hate crime only if the crime was motivated by bias based on religion, national origin, or color, and the assailant intended to prevent the victim from exercising a ''federally protected right'' such as voting, jury duty, attending school, or conducting interstate commerce. These tandem requirements substantially limit the potential for federal prosecution of hate crimes.

Most crimes against victims based on their gender, disability, or sexual orientation are now only covered under State law, unless such crimes are committed within a Federal jurisdiction such as an assault on a Federal official, on an Indian reservation, or in a national park. While more than 40 States have hate crimes statutes in effect, only 22 States have hate crimes legislation that addresses gender, and only 21 States have hate crimes legislation that address sexual orientation or disability.

The amendment before us today would expand Federal jurisdiction and increase the Federal role in the investigation and prosecution of hate crimes.

Under this legislation, hate crimes that cause death or bodily injury because of prejudice can be investigated and prosecuted by the Federal Government, regardless of whether the victim was exercising a federally protected right. The bill defines a hate crime as a violent act causing death or bodily injury ''because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person.''

I believe that one of our country's greatest strengths is Congress's ability to balance strong State's rights against a Federal Government that unites these separate States. I also believe that the Federal Government has a duty to provide leadership on issues of great moral imperative, especially in the area of civil rights.

Hate crimes go beyond the standard criminal motivation. We are all familiar with the horrible stories of James Byrd, Jr., who was chained to a truck and dragged to his death because of his race, of Matthew Shepard, who was beaten and tied to a wooden fence and died in freezing temperatures because of his sexual orientation, and of the attack last August at a Jewish community center because of religion.

There is no doubt that crime is morally and legally wrong and there is no one in this chamber who could possible argue otherwise. And I understand the argument that opponents of the amendment have: How can the law punish a crime for more than what it actually and literally is?

But hate crimes are not just about the crime itself, they are about the motivation. And there is something especially pernicious about a crime that occurs because of who somebody is. There is something all the more horrific when a crime happens because of the victim's race, or color, or religion. Hate crimes are meant to send a message to a group: ''you had better be careful because you are not accepted here.''

The Federal Bureau of Investigation reports that in 1998—the latest data available—almost 8,000 crimes were motivated by hate or prejudice. Over half of these crimes were motivated by racial bias; nearly 20 percent of these crimes were because of religious bias; and 16 percent of these crimes were a result of sexual-orientation bias. Twenty-five of these crimes happened simply because the victim was disabled, and 754 because of the ethnicity or national origin of the victim.

The amendment before us today is not about creating a special class of crime. It is not about policing our ideas or beliefs; it is about the criminal action that some people take on the basis of these beliefs. We cannot make it a crime to hate someone. But we can make it a crime to attack because a person specifically hates who the victim is or what the victim represents.

One of my favorite sayings is ''As Maine goes . . . so goes the Nation.'' This adage proves true again with the Hate Crimes Prevention Act and with Senator KENNEDY's amendment. I am proud that the Hate Crimes Prevention Act, and today's amendment, are largely based on Maine's 1992 Civil Rights Law, which was enacted while my husband, John R. McKernan, was Governor of the State. And I am proud that the Hate Crimes Prevention Act is supported by our current Attorney General, Andrew Ketterer.

Mr. President, our laws are a direct reflection of our priorities as a nation. And I, along with the vast majority of Americans I would venture to say, fundamentally believe that crimes of hate and prejudice should not be tolerated in our society.

That is why I support prosecuting hate crimes to the fullest possible extent. The amendment before us today will expand the ability of the Federal Government to prosecute these immoral and pernicious crimes. I urge my colleagues to support it.

Mrs. FEINSTEIN. Mr. President, no one should be victimized because of his or her skin color, national origin, religious beliefs, gender, sexual orientation, or disability.

In furtherance of this belief, I sponsored in 1993 the Hate Crimes Sentencing Enhancement Act, which required the U.S. Sentencing Commission to provide sentencing enhancements of no less than three offense levels for crimes determined beyond a reasonable doubt to be hate crimes. The Act increased the penalties for hate crimes directed at individuals not only because of their perceived race, color, religion, and national origin, but also on account of their gender, disability or sexual orientation.

Today, I am proud to be the cosponsor of the Kennedy hate crimes amendment, which would build on this effort by expanding the Justice Department's authority to prosecute defendants for violent crimes based on the victim's race, color, religion or national origin.

This important amendment would also allow the Federal government to provide assistance in state investigations of crimes against another based on the victim's gender, disability, or sexual orientation.

Sadly, hate crimes occur more often than we might think. According to the U.S. Department of Justice, there have been nearly 60,000 hate crime incidents reported since 1991. In 1998 alone, the last year for which we have statistics, nearly 8,000 hate crime incidents were reported in the United States. That is almost one such crime per hour.

In the same year, more than 2,100 Californians fell victim to a hate crime. That's a shocking number when one considers the motivation behind a

hate crime. These are truly among the ugliest of crimes, in which the perpetrator thinks the victim is less of a human being because of his or her gender, skin color, religion, sexual orientation or disability.

Even more disturbing is that nearly two-thirds of these crimes are committed by our nation's youth and young adults. The need to send a strong message of mutual tolerance and respect to our youngsters has become all too clear in recent years.

One of the most high profile hate crime cases in California involved two young Northern California men, Benjamin Matthew Williams, age 31, and his younger brother James Tyler Williams, age 29. The two brothers became poster boys for our Nation's summer of hate last year. Both men were charged with the double slaying of a prominent gay couple who lived about 180 miles north of Sacramento.

The men are also prime suspects in the wave of arson that hit three Sacramento-area synagogues two weeks before the killings, causing more than $1 million in damage. When investigators searched the Williams brothers' home, they found a treasure trove of white-supremacist, anti-gay, anti-Semitic literature. They also found a ''hit list'' of 32 prominent Jewish and civic leaders in the Sacramento area, apparently compiled after the synagogue fires.

Hate crimes not only affect the victim who is targeted, but also shakes the foundation of an entire community that identifies with the victim. I grow increasingly concerned when I hear reports about the proliferation of hate in our nation, because California, the state I represent, has one of the most diverse communities in the world.

Our state has greatly benefitted from the contributions of persons from countries as nearby as Mexico and El Salvador, and as far away as India and Ethiopia. It is only through our willingness to live among each other and to respect our individual differences and gifts, that we can continue to build from the strength of our diversity.

That is why Senator KENNEDY's amendment is so important. Not only would it broaden the protection offered by Federal law to people not covered by hate crime legislation, but it will provide vital Federal assistance and training grants to states investigating these crimes.

Specifically, this legislation would compensate for two limitations in the current law: First, even in the most blatant cases of racial, ethnic, or religious violence, no Federal jurisdiction exists unless the victim was targeted while exercising one of a limited number of federally protected activities. Second, current law provides no coverage for violent hate crimes based on the victim's sexual orientation, gender or disability.

Unfortunately, there are those who would stop short of supporting this legislation because it extends protections to those targeted on account of their sexual orientation. This is especially disturbing given the fact that crimes against gays, lesbians and bisexuals ranked third in reported hate crimes in 1998, registering 1,260 or 15.6 percent of all reported incidents. Even in light of the growing number and severity of these horrific events, Congress has not seen fit to enact important Federal hate crime measures to ensure that justice is served.

I wonder, how many cases go unsolved because of the Federal government's inability to participate in the investigation and prosecution of a hate crime?

How many people have chosen not to report a serious hate crime out of fear of retribution because there is no state or federal protection?

How many more people, and families, and communities, need to be victimized by these most horrendous acts before our colleagues realize that now is time to act?

Since those who commit hate crimes seek out a category of people, rather than a particular individual, anyone of us at anytime can become a victim of a hate crime. I believe the Kennedy hate crimes amendment would send the right message: that those who commit violent acts because the victim is of a certain gender, religion, race, sexual orientation, or disability will be prosecuted because everyone—I repeat—everyone has a right to be free from violence and fear when they are going to school, work, travel, or doing something as simple as going to a movie.

While I rise in strong support for the Kennedy amendment, I must also express my opposition to the amendment offered by my friend from Utah, Mr. HATCH. While well-intentioned, the Hatch amendment would not extend protection to people targeted because of their sexual orientation, gender or disability in states that have not enacted hate crime laws or have limited their laws to crimes motivated by race, national origin or religion.

Moreover, the Hatch amendment would permit the Federal government to address hate crimes only in those very limited circumstances in which the offender crosses a state line to commit an act of hate violence. This amendment would, therefore, fail to address the majority of cases we confront today in which a hate crime results in death or serious bodily harm.

As elected leaders, it is incumbent upon us to set an example—not just by expressing outrage about these crimes—but by strengthening legislation and bolstering the ability of law enforcement—whether state or Federal—to combat hate crimes.

How many more people will become victims of hate before we act? I believe the time has come to affirm our support for the diversity that makes our nation so great. The time has come to enact a sensible hate crime measure to address this problem of violent bigotry and hate. The time has come to enact the Local Law Enforcement Enhancement Act of 2000.

Mr. SARBANES. Mr. President, I rise today to express my strong support for the Local Law Enforcement Enhancement Act of 2000, Senator KENNEDY's amendment to the Department of Defense authorization bill. As a cosponsor of Senator KENNEDY's Hate Crimes Prevention Act, I believe that it is past time for Congress to act to prevent future tragedies.

While as a Nation we have made significant progress in reducing discrimination and increasing opportunities for all Americans, regrettably the impact of past discrimination continues to be felt. Far too often, we hear reports of violent hate-related incidents in this country. It seems inconceivable that, in the year 2000, such crimes can still be so pervasive. Statistics from my own State of Maryland unfortunately indicate that the incidence of bias-motivated violence may be on the rise. The number of reported incidents of hate or bias-motivated violence in Maryland rose by 11.6 percent in 1999. Of the 457 verified incidents of bias-motivated violence that year, 335 were committed against individuals on the basis of their race (approximately 73%), 63 on the basis of religion (14%), 38 on the basis of sexual orientation (8%), 17 on the basis of ethnicity (4%), and 4 on the basis of the victim's disability (1%).

Data gathered under the Federal Hate Crime Statistics Act is also sobering. Beginning in 1991, the Act requires the Justice Department to collect information from law enforcement agencies across the country on crimes motivated by a victim's race, religion, sexual orientation, or ethnicity. Congress expanded the Act in 1994 to also require the collection of data for crimes based upon the victim's disability. The Department of Justice has reported that, for 1998, 7,755 bias-motivated crimes were committed against 9,722 victims by 7,489 known offenders.

Beyond these stark statistics, stories of heinous crimes continue to make headlines across the country. In 1998, James Byrd, Jr., an African-American man, was walking home along a rural Texas road when he was beaten and then dragged behind a pickup truck to his death. Later than same year, Matthew Shephard, a gay University of Wyoming Student, was beaten, tied to a fence, and left to die in a rural part of the state. And just last year, a gunman entered a Jewish community center in California, opened fire on workers and children attending a day care center, and later killed a Filipino-American postal worker.

It is nearly impossible to imagine such crimes occurring in a country that is said to lead the world in equal opportunity for its citizens. Franklin Delano Roosevelt once described America as a ''nation of many nationalities, many religions—bound together by a single unity, the unity of freedom and equality.'' But, as the stories of James Byrd, Matthew Shephard, and the California Jewish community center all too clearly show, we are not living up to President Roosevelt's vision of America. The Federal government cannot ignore the thousands of hate crimes that are committed in the United States each and every year as long as people are afraid to walk down our streets because of their religion, or the color of their skin, or their sexual orientation.

I had the great honor of serving, during my time in the House of Representatives, with Shirley Chisholm, the first African-American woman elected to Congress, who said: ''Laws will not eliminate prejudice from the hearts of human beings. But that is no reason to allow prejudice to continue to be enshrined in our laws to perpetuate injustice through inaction.''

Senator KENNEDY's amendment includes crucial provisions designed to help the Federal government stop bias-motivated crimes. This amendment would extend Federal law to prohibit crimes committed against victims because of their gender, sexual orientation, or disability. Moreover, the amendment would also remove requirements of existing law that prohibit Federal government action unless the crime victim is engaged in certain ''federally protected activities.''

It is true that this legislation will not drastically increase the number of crimes subject to Federal prosecution. Criminal law is a matter largely enforced by the states, and the sponsors of this amendment have been careful to ensure that the Federal government will only step in and prosecute a crime if a state cannot adequately do so itself. And certainly, as Congresswoman Chisholm eloquently stated, we cannot erase the hatred and bigotry in people's hearts by passing this amendment today. But the balanced approach of Senator KENNEDY's amendment will allow the Federal government to intervene in the small number of hate crimes cases where a Federal prosecution is necessary to insure that justice is served.

Mr. President, I urge my Senate colleagues to join me in supporting the Kennedy hate crimes amendment. We have an invaluable opportunity to make a statement that the United States government will not tolerate crimes motivated by bigotry and prejudice, and that the ''the unity of freedom and equality'' binds together all Americans—regardless of their race, religion, nationality, gender, sexual orientation, or disability.

Mrs. BOXER. Mr. President, one year ago, three synagogues in the Sacramento, California area were attacked by arsonists. Two weeks later, a gay couple was killed at their home in nearby Redding, California. Two nights after these brutal murders, a Sacramento women's health care clinic was firebombed.

These vicious crimes shocked the people of Sacramento. At the same time, it moved many members of the community to speak out and take action. Led by the late mayor Joe Serna, thousands of residents joined a Unity Rally at the Sacramento Convention Center and pledged to work together to prevent future hate crimes.

Out of this rally grew the ''United We Build'' project, which is bearing fruit this week. In the name of tolerance and unity, hundreds of volunteers are gathering and setting to work on community projects: planting gardens, cleaning up schools and parks, and refurbishing churches and senior centers. The week's events will culminate on Sunday with a Jewish Food Faire at one of the targeted synagogues and an afternoon rally at the State Capitol.

Mr. President, every community in America should take inspiration from the people of Sacramento. They have turned their shock, anger, and fear into positive actions. From the ashes of hatred and intolerance, they have emerged stronger and more unified than ever before.

Hate crimes seek to stigmatize persecuted groups and isolate them from the larger society. We must turn the tables to isolate those who preach hatred and commit hate crimes. This will not be easy: Today hate groups flood the Internet with venom, and hateful individuals flood the talk shows with vitriol.

To stop hate crimes, we must of course catch and prosecute the perpetrators. But we must do more than that. We must each act to root hatred and intolerance out of our daily lives. We must have zero tolerance for intolerance. If a friend or family member uses hateful speech, we must have the courage to say that this is unacceptable. If a neighbor or co-worker takes an action designed to hurt another because of that person's race or religion or sexual orientation, we must stand with the victim, not the aggressor.

Congress can pass laws to prevent and prosecute hate crimes. I voted to pass such legislation today, and I will do so again. But laws alone cannot wipe the stain of hatred off the American landscape. To do this—to truly secure the blessings of liberty for all Americans—we must each take every opportunity to teach tolerance and act against hatred.

Mr. ROCKEFELLER. Mr. President, I believe it is vital to make a clear statement against all violent hate crimes against individuals because of race, color, religion, national origin, gender, sexual orientation, or disability. This is a basic point, and the number of hate crimes in our country is truly disturbing. When such a case claims headlines and dominates national news for a few days or a few weeks, people are troubled and sad. But we can and we should do more to oppose hate crimes.

My hope is that having leaders at all levels, including the U.S. Senate, speak against such hate crimes will send a powerful message that such violent behavior should not be tolerated. No one in our country should be afraid of violence because of their race, religion, color, national origin, gender, sexual orientation, or disability. When such crimes occur, families are devastated and entire communities are stunned and hurt.

In addition to sending a strong message, the Kennedy amendment would offer federal help to combat violent hate crimes, including up to $100,000 in federal grants to state and local law enforcement officials to cover the expenses of investigating and prosecuting such crimes. Federal grants would also encourage cooperation and coordination with the community groups and schools that could be affected. The bipartisan Kennedy amendment is a balanced attempt to combat hate crimes by helping state and local officials.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the next series of votes be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, I admire my colleagues. I feel very much the same as they do about these heinous crimes, but I have absolute confidence that our State and local governments are taking care of them.

The problem with the Kennedy amendment is that it is unconstitutional and it is bad policy.

First, the Kennedy amendment is unconstitutional because it seeks to make a Federal crime of purely private conduct committed by an individual against a person because of that person's race, color, religion, national origin, gender, disability, or sexual orientation. This broad federalization of what are now State crimes would be unconstitutional under the commerce clause, the 13th amendment, the 14th amendment, and, possibly, the 1st amendment. This is clear in light of the Supreme Court's recent decision just last month in United States v. Morrison.

As Senators, we have a real duty to consider whether the legislation we enact is constitutional, and not just try to get away with all we can and hope the Supreme Court will fix it for us.

Secondly, the Kennedy amendment is bad policy. It would make a Federal crime out of every rape and sexual assault—crimes committed because of the victim's gender—and, as such, would seriously burden Federal law enforcement agencies, Federal prosecutors, and Federal courts.

In addition, the Kennedy amendment would not permit the death penalty to be imposed, even in cases of the most heinous hate crimes, such as the Byrd case, where State law permits prosecutors to seek the death penalty.

Finally, the Kennedy amendment, by broadly federalizing what now are State crimes, would allow the Justice Department to unnecessarily intrude in the work of State and local police and prosecutors without any real justification for doing so right now. That is why we need to do this study while at the same time providing monies to help the State and local prosecutors to do a better job.

The Kennedy amendment is unconstitutional, and it is bad policy. I urge my colleagues to vote against it.

Mr. DASCHLE. Mr. President, today I rise to speak on behalf of the bipartisan Kennedy-Smith Amendment—the Local Law Enforcement Act of 2000. The Senate's consideration of this important measure is long overdue. Let us pass the bill now, before another American is brutalized or killed in a hate crime.

We are all aware of the tragic deaths of James Byrd in Texas and Matthew Shepard in Wyoming. James Byrd was murdered because of the color of his skin. Matthew Shepard was murdered because of his sexual orientation.

In the Byrd killing, the federal government could help.

In the Shepard killing, the federal government could not help local law enforcement. Why? Because our current hate crimes statute is full of holes and desperately needs to be updated.

Right now the federal hate crimes law does not cover disability, gender or sexual orientation. In addition, the federal government can prosecute only those crimes where the victim was chosen because he or she was engaged in a ''federally protected activity,'' such as attending public school or serving as a juror. That is a very narrow basis on which to bring a lawsuit.

Because Matthew Shepard was killed because he was gay, the federal government could not provide the resources Laramie, Wyoming's law enforcement so desperately needed. This is why our federal hate crimes law ought to apply whenever a hate crime occurs.

Last year Dennis and Judy Shepard, Matthew's parent, came to Capitol Hill to plead with us to broaden the hate crimes law. I suspect that no Senator who met them will ever forget their words or the anguish in their eyes. It was an anguish that probably only a parent who has lost a child can possibly understand.

During their visit to Capitol Hill, and all across America, the Shepards have found the strength to talk about their own tragic experience to help prevent other parents from experiencing their nightmare. To accept anything less than the Kennedy-Smith Amendment would be to ignore their pleas, and the pleas of so many others.

The Kennedy-Smith Amendment would end, once and for all, the contortions that federal prosecutors must undertake to exercise jurisdiction over hate crimes. The Hatch Amendment does not.

The Kennedy-Smith Amendment would allow federal authorities to assist in state and local prosecutions of hate crimes on the basis of disability, gender and sexual orientation. The Hatch Amendment does not.

We don't need to collect more data on hate crimes. We don't need to analyze the problem. We need to solve it.

We already collect information on hate crimes and the statistics are grim. In the last year for which we have statistics, 1998, almost 8,000 hate crime incidents were reported.

And we already know that state and local law enforcement needs our help because they have told us so. The National Sheriff's Association had told us so. The International Association of Police Chiefs has told us so. Both the Sheriff and Police Commander of Laramie, Wyoming have urged us to pass the Kennedy-Smith Amendment. The Laramie Sheriff and Police Commander came with Dennis and Judy Shepard to Capitol Hill. They told us what it meant for their departments to be without the assistance of the federal government in investigating and prosecuting Matthew Shepard's murder. It meant that they had to lay off 5 law enforcement officials as a result of the financial strain of the prosecution of Matthew Shepard's killers.

If the Kennedy-Smith Amendment had been law, those officers would not have been laid off.

Let's be honest. We all know that only the Kennedy-Smith Amendment will bring about substantial change. We all know that only the Kennedy-Smith Amendment will provide law enforcement, in places like Laramie, Wyoming, the tools they need to investigate and prosecute hate crimes wherever they occur. We all know that only the Kennedy-Smith Amendment will send a strong message that the federal government will prosecute every hate crime with vigor.

Before you case your vote, I urge you to consider whether you would be willing to look into Dennis and Judy Shepard's anguished eyes and tell them you don't believe their son's death was a hate crime. Think about how you will explain why you voted against the only proposal that the Shepards—and so many others—have told us will make a real difference.

We should not let the politics of misunderstanding keep us from enacting a bill that would enable prosecutions of crimes motivated by hatred of gays and lesbians—the motivation for some of the most vicious hate crimes.

There are those who argue that this amendment is not needed because it only affects a small percentage of Americans. I am troubled by this suggestion. Hate crimes diminish us all. Did this Congress say, in 1965, that we didn't need a Civil Rights Act because racial discrimination ''only'' affected a small percentage of Americans? No, we are talking about basic protections that all Americans should be afforded. If they are denied to any of us, we are all affected.

We must make sure that the federal government leaves no American unprotected. The Kennedy-Smith Amendment is a bipartisan, reasonable, measured responses to a serious problem. The vote on this amendment is the vote that matters.

I urge my colleagues to vote for the Kennedy-Smith Amendment.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3473. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—57

| | | |
|---|---|---|
| Akaka | Feingold | Mack |
| Baucus | Feinstein | Mikulski |
| Bayh | Graham | Moynihan |
| Biden | Harkin | Murray |
| Bingaman | Hollings | Reed |
| Boxer | Inouye | Reid |
| Breaux | Jeffords | Robb |
| Bryan | Johnson | Rockefeller |
| Burns | Kennedy | Roth |
| Chafee, L. | Kerrey | Sarbanes |
| Cleland | Kerry | Schumer |
| Collins | Kohl | Smith (OR) |
| Conrad | Landrieu | Snowe |
| Daschle | Lautenberg | Specter |
| DeWine | Leahy | Stevens |
| Dodd | Levin | Torricelli |
| Dorgan | Lieberman | Voinovich |
| Durbin | Lincoln | Wellstone |
| Edwards | Lugar | Wyden |

NAYS—42

| | | |
|---|---|---|
| Abraham | Domenici | Hutchison |
| Allard | Enzi | Kyl |
| Ashcroft | Fitzgerald | Lott |
| Bennett | Frist | McCain |
| Bond | Gorton | McConnell |
| Brownback | Gramm | Murkowski |
| Bunning | Grams | Nickles |
| Byrd | Grassley | Roberts |
| Campbell | Gregg | Santorum |
| Cochran | Hagel | Sessions |
| Coverdell | Hatch | |
| Craig | Helms | |
| Crapo | Hutchinson | |

| | | |
|---|---|---|
| Shelby | Thomas | Thurmond |
| Smith (NH) | Thompson | Warner |

NOT VOTING—1

Inhofe

The amendment (No. 3473) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3475

The VICE PRESIDENT. Under the previous order, the Senate will now debate for 4 minutes evenly divided the Dodd amendment relating to Cuba. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, this amendment establishes a 12-member bipartisan commission to review Cuba policy and make recommendations with respect to how that policy might be altered to best serve the interests of the United States.

Mr. President, I will not read the documents, but I will leave them for my colleagues' consideration: A letter signed by Howard Baker, Frank Carlucci, Henry Kissinger, Malcolm Wallop, along with 26 colleagues, 16 from the floor, a letter from George Shultz, and one from the leading dissident groups inside Cuba calling for the commission to try to take a look at U.S.-Cuban policy.

It is time to stop, in my view, the absurd fixation we have on one individual and to remove an important foreign policy issue from the small but powerful group that doesn't allow us to think what is in our best interest as a nation. We ought to listen to foreign policy experts. This commission is not predetermined; it is not shackled. It may very well come back and recommend a continuation of the embargo. But it seems to me we ought to at least listen.

We are watching the Koreans come together. We are watching advances in the Middle East. Today, we are watching efforts around the world to bring people together to resolve historic differences.

Today, Pete Peterson, former POW, represents U.S. interests as our Ambassador in Vietnam. Does that mean we agree with the policies of the Vietnamese Government? No. We recognize, by trying to tear down the walls that have historically divided us, we can try to build a better relationship between the two countries. We will soon be voting on whether or not to have a trading relationship with China. We are watching improvements in the Middle East. Northern Ireland brings hope for resolving differences.

All I am asking with this amendment—it has been recommended by Secretaries of Defense, Secretaries of State, 26 of our colleagues, in a bipartisan letter to the President only a few months ago—is to establish a commission to examine U.S.-Cuban policies to see if we can't come up with some better answers than the historic debate which has divided us on this issue.

I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I yield myself 1 minute.

It is not our fault that Cuba is repressive. It is Castro who is to blame. Appeasing Castro by instituting the commission whose stealth objective is to lift the embargo without Castro having undertaken any reforms is nothing more than a unilateral and unwarranted concession to a regime which refuses to concede even the smallest effort to reform human rights.

This is not the appropriate vehicle for this bill, the Armed Services Committee. There are other important things with which we need to deal. Cuba should first change its policy toward its own people, and after that, the United States can change its policy toward Cuba.

I yield to Senator MACK.

Mr. MACK. Mr. President, I ask my colleagues on both sides of the aisle to vote to table this amendment. It is blatantly political in its nature. Of the 12 positions, 8 will be determined by the Democratic Party and 4 by the Republicans; 6 by the President, 2 by the majority in each of the Houses, 1 by the minority in each. That is 8 of 12—two-thirds.

We should not, today, be telling the next President of the United States what his policy should be with respect to Cuba. This Congress and this President should not be doing that.

Third, I only had the opportunity to speak with Frank Carlucci and Howard Baker. While they accept the concept of a commission, they don't support one that is so blatantly political, and they don't support one being established at this time.

I ask my colleagues to vote against this amendment, and I move to table the amendment.

The PRESIDING OFFICER. All time is yielded back.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the amendment No. 3475. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 41, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—59

| | | |
|---|---|---|
| Abraham | Ashcroft | Bond |
| Allard | Bennett | Brownback |
| Bryan | Gregg | Robb |
| Bunning | Hagel | Roberts |
| Burns | Hatch | Roth |
| Campbell | Helms | Santorum |
| Chafee, L. | Hutchinson | Sessions |
| Cochran | Hutchison | Shelby |
| Collins | Inhofe | Smith (NH) |
| Coverdell | Kohl | Smith (OR) |
| Craig | Kyl | Snowe |
| Crapo | Lieberman | Specter |
| DeWine | Lott | Stevens |
| Domenici | Lugar | Thomas |
| Enzi | Mack | Thompson |
| Frist | McCain | Thurmond |
| Gorton | McConnell | Torricelli |
| Graham | Murkowski | Voinovich |
| Gramm | Nickles | Warner |
| Grassley | Reid | |

NAYS—41

| | | |
|---|---|---|
| Akaka | Edwards | Lautenberg |
| Baucus | Feingold | Leahy |
| Bayh | Feinstein | Levin |
| Biden | Fitzgerald | Lincoln |
| Bingaman | Grams | Mikulski |
| Boxer | Harkin | Moynihan |
| Breaux | Hollings | Murray |
| Byrd | Inouye | Reed |
| Cleland | Jeffords | Rockefeller |
| Conrad | Johnson | Sarbanes |
| Daschle | Kennedy | Schumer |
| Dodd | Kerrey | Wellstone |
| Dorgan | Kerry | Wyden |
| Durbin | Landrieu | |

The motion to table was agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from California.

## CONGRATULATING THE LOS ANGELES LAKERS ON WINNING THE 2000 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 324, introduced earlier today by Senator BOXER and myself.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 324) to commend and congratulate the Los Angeles Lakers for their outstanding drive, discipline, and mastery in winning the 2000 National Basketball Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I join my distinguished colleague from California, Senator BARBARA BOXER, in commending and congratulating the Los Angeles Lakers for their outstanding season which was culminated last night in winning the 2000 National Basketball Association Championship.

Without a doubt, the Los Angeles Lakers are one of the finest franchises in the history of professional sports. In defeating a gritty and hard-nosed Indiana Pacers team last night, the Lakers captured their twelfth NBA Championship in the true spirit of their ''Showtime'' years.

The Los Angeles Lakers are a true sporting dynasty. They are the second

winningest team in NBA history. Their record of 67–15, the best regular season record in the NBA's Eastern and Western Conference.

Led by coach Phil Jackson, Shaquille O'Neal and Kobe Bryant the Lakers are a formidable opponent. Shaquille O'Neal was named league Most Valuable Player, led the league in scoring and field goal percentage, won the IBM Award for greatest overall contribution to a team, and became just the sixth player in the game's history to be a unanimous selection to the All–NBA First team.

Shaquille O'Neal also was named Most Valuable Player of the 2000 All Star game scoring 22 points and collecting 9 rebounds. And he also dominated the 2000 playoffs scoring 38 points per game in the NBA Finals on his way to winning the Most Valuable Player award.

Another top player was the 21-year-old phenom, Kobe Bryant, who overcame injuries to average more than 22 points a game in the regular season and be named to the NBA All-Defensive First Team. Kobe Bryant's eight point performance in the overtime of game 4 led the Lakers to one of the most dramatic wins in playoff history.

Coach Phil Jackson, winner of seven NBA Championship rings and a playoff winning percentage of .718, has proven to be one of the most innovative and adaptable coaches in the NBA.

And when you add to this terrific trio and strong supporting cast—including Glenn Rice, A.C. Green, Ron Harper, Robert Horry, Rick Fox, Derrick Fisher, Brian Shaw, Devean George, Tyronn Lue, John Celestand, Travis Knight, and John Salley—the recipe for a championship was written.

I also congratulate team owner Dr. Jerry Buss, General Manager Jerry West and all the others who worked so hard to return the championship magic to the City of Angels. But most of all, I would like to congratulate the myriad of Lakers fans who have pulled for this team through it all.

The 1999–2000 Los Angeles Lakers will go down in history with those legendary teams of the past. And we can add the names of Shaquille O'Neal and Kobe Bryan to the tapestry of Laker greats: George Mikan, Wilt Chamberlain, Jerry West, Elgin Baylor, Kareem Abdul-Jabbar, and the incomparable Earvin ''Magic'' Johnson.

These Lakers demonstrated immeasurable determination, heart, stamina, and an amazing comeback ability in their drive for the championship. They have made the City of Los Angeles and the State of California proud.

The Los Angeles Lakers have started the 21st century meeting the high standards they established in the 20th century. In the years ahead, I have no doubt that this team will add numerous championship banners to the rafters of the Staples Center.

Senator BOXER and I thought it would be fitting to offer this resolution today.

Mrs. BOXER. Mr. President, I rise today to salute the new reigning champions of the National Basketball Association—California's own Los Angeles Lakers.

The tradition of greatness continues in Los Angeles. Building on the excellence personified by the likes of Jerry and Wilt the Silt, and later by Magic and Kareem, today's Lakers regained that status by players known around the world by two words: ''Kobe'' and ''Shaq.''

What can you say about Shaquille O'Neal? He is the most dominating force in the game today. He was the most valuable player in the All-Star Game, the regular season and the NBA finals.

Kobe Bryant has that creative, slashing style that is pure excitement. The way he fought through tough injuries to spark the Lakers was an inspiration.

And Mr. President, I would like to acknowledge the rest of the Lakers team. The steady hand and championship experience of Ron Harper was crucial. Robert Harry's stifling defense, strong rebounding and opportunistic scoring were key. Rick Fox, whose ten years' experience and clutch three-pointer in the waning moments of Game Six were invaluable. The persistent of Glenn Rice was matched only by the beauty of his jump shot. A.C. Green, who came back to the Lakers for this championship season, reminded us of his original ''Showtime'' days when he was running the wing with Magic and Worthy. And Brian Shaw and Derek Fisher made big shots and took care of the ball during minutes off the bench. What a team!

Finally, the man who brought all of these elements together, is simply the best of all time—the man they call Zen master, coach Phil Jackson.

The Lakers victories were made more special by the determination of their opponents. Larry Bird and the Indiana Pacers deserve the respect of basketball fans everywhere.

Mr. President, on behalf of millions of adoring Angelenos, California and basketball fans everywhere congratulations to the 2000 World Champion Los Angeles Lakers.

Mrs. FEINSTEIN. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas the Los Angeles Lakers are one of the greatest sports franchises ever;

Whereas the Los Angeles Lakers have won 12 National Basketball Association Championships;

Whereas the Los Angeles Lakers are the second winningest team in National Basketball Association history;

Whereas the Los Angeles Lakers, at 67–15, posted the best regular season record in the National Basketball Association;

Whereas the Los Angeles Lakers have fielded such superstars as George Mikan, Wilt Chamberlain, Jerry West, Elgin Baylor, Kareem Abdul-Jabbar, Earvin ''Magic'' Johnson, and now, Shaquille O'Neal and Kobe Bryant;

Whereas Shaquille O'Neal led the league in scoring and field goal percentage on his way to winning the National Basketball Association's Most Valuable Player award, winning the IBM Award for greatest overall contribution to a team, and becoming just the sixth player in the history of the game to be a unanimous selection to the All-National Basketball Association First Team;

Whereas Shaquille O'Neal was named Most Valuable Player of the 2000 All Star game, scoring 22 points and collecting 9 rebounds;

Whereas Shaquille O'Neal dominated the 2000, playoffs averaging 38 points per game and winning the Most Valuable Player award in the National Basketball Association Finals;

Whereas Kobe Bryant overcame injuries to average more than 22 points a game in the regular season and be named to the National Basketball Association All-Defensive First Team;

Whereas Kobe Bryant's 8-point performance in the overtime of Game 4 led the Los Angeles Lakers to 1 of the most dramatic wins in playoff history;

Whereas Coach Phil Jackson, who has won 7 National Basketball Association rings and the highest playoff winning percentage in league history, has proven to be 1 of the most innovative and adaptable coaches in the National Basketball Association;

Whereas the Los Angeles Lakers epitomize Los Angeles pride with their determination, heart, stamina, and amazing comeback ability;

Whereas the support of all the Los Angeles fans and the people of California helped make winning the National Basketball Association Championship possible; and

Whereas the Los Angeles Lakers have started the 21st century meeting the high standards they established in the 20th century: Now, therefore, be it

*Resolved*, That the United States Senate congratulates the Los Angeles Lakers on winning the 2000 National Basketball Association Championship Title.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENTS NOS. 3477 THROUGH 3490, EN BLOC

Mr. WARNER. Mr. President, my distinguished colleague, Senator LEVIN, and I are prepared to address a series of amendments which have been agreed to on both sides on the authorization bill for the armed services of the United States.

Consequently, I send a series of amendments to the desk which have been cleared by myself and the ranking member. Therefore, I ask unanimous

consent that the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any of these amendments be printed in the RECORD.

Mr. LEVIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3477 through 3490) were agreed to, en bloc, as follows:

AMENDMENT NO. 3477

(Purpose: To set aside $20,000,000 for the Joint Technology Information Center Initiative; and to offset that amount by reducing the amount provided for cyber attack sensing and warning under the information systems security program (account 0303140G) by $20,000,000)

On page 48, between lines 20 and 21, insert the following:

**SEC. 222. JOINT TECHNOLOGY INFORMATION CENTER INITIATIVE.**

Of the amount authorized to be appropriated under section 201(4)—

(1) $20,000,000 shall be available for the Joint Technology Information Center Initiative; and

(2) the amount provided for cyber attack sensing and warning under the information systems security program (account 0303140G) is reduced by $20,000,000.

AMENDMENT NO. 3478

(Purpose: To authorize the establishment of United States-Russian Federation joint center for the exchange of data from early warning systems and for notification of missile launches)

On page 462, between lines 2 and 3, insert the following:

**SEC. 1210. UNITED STATES-RUSSIAN FEDERATION JOINT DATA EXCHANGE CENTER ON EARLY WARNING SYSTEMS AND NOTIFICATION OF MISSILE LAUNCHES.**

(a) AUTHORITY.—The Secretary of Defense is authorized to establish, in conjunction with the Government of the Russian Federation, a United States-Russian Federation joint center for the exchange of data from early warning systems and for notification of missile launches.

(b) SPECIFIC ACTIONS.—The actions that the Secretary jointly undertakes for the establishment of the center may include the renovation of a mutually agreed upon facility to be made available by the Russian Federation and the provision of such equipment and supplies as may be necessary to commence the operation of the center.

AMENDMENT NO. 3479

(Purpose: To provide back pay for persons who, while serving as members of the Navy or the Marine Corps during World War II, were unable to accept approved promotions by reason of being interned as prisoners of war)

On page 239, after line 22, insert the following:

**SEC. 656. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS APPROVED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.**

(a) ENTITLEMENT OF FORMER PRISONERS OF WAR.—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay back pay to a claimant who, by reason of being interned as a prisoner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the claimant was approved.

(b) PROPER CLAIMANT FOR DECEASED FORMER MEMBER.—In the case of a person described in subsection (a) who is deceased, the back pay for that deceased person under this section shall be paid to a member or members of the family of the deceased person determined appropriate in the same manner as is provided in section 6(c) of the War Claims Act of 1948 (50 U.S.C. App. 2005(c)).

(c) AMOUNT OF BACK PAY.—The amount of back pay payable to or for a person described in subsection (a) is the amount equal to the excess of—

(1) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps if the person had been promoted on the date on which the promotion was approved, over

(2) the total amount of basic pay that was paid to or for that person for such service on and after that date.

(d) TIME LIMITATIONS.—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of Defense within two years after the effective date of the regulations implementing this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section. Such regulations shall be prescribed not later than six months after the date of the enactment of this Act.

(f) LIMITATION ON DISBURSEMENT.—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment under this section may be made only to each person who is eligible for the payment under subsection (a) or (b) and only—

(A) upon the appearance of that person, in person, at any designated disbursement office in the United States or its territories; or

(B) at such other location or in such other manner as that person may request in writing.

(2) In the case of a claim approved for payment but not disbursed as a result of operation of paragraph (1), the Secretary of Defense shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) OUTREACH.—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a timely manner to the maximum number of eligible persons practicable.

(i) DEFINITION.—In this section, the term ''World War II'' has the meaning given the term in section 101(8) of title 38, United States Code.

AMENDMENT NO. 3480

(Purpose: To provide for full implementation of certain student loan repayment programs as incentives for Federal employee recruitment and retention)

On page 415, between lines 2 and 3, insert the following:

**SEC. 1061. STUDENT LOAN REPAYMENT PROGRAMS.**

(a) STUDENT LOANS.—Section 5379(a)(1)(B) of title 5, United States Code, is amended—

(1) in clause (i), by inserting ''(20 U.S.C. 1071 et seq.)'' before the semicolon;

(2) in clause (ii), by striking ''part E of title IV of the Higher Education Act of 1965'' and inserting ''part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq., 1087aa et seq.)''; and

(3) in clause (iii), by striking ''part C of title VII of Public Health Service Act or under part B of title VIII of such Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) or under part E of title VIII of such Act (42 U.S.C. 297a et seq.)''.

(b) PERSONNEL COVERED.—

(1) INELIGIBLE PERSONNEL.—Section 5379(a)(2) of title 5, United States Code, is amended to read as follows:

''(2) An employee shall be ineligible for benefits under this section if the employee occupies a position that is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.''.

(2) PERSONNEL RECRUITED OR RETAINED.—Section 5379(b)(1) of title 5, United States Code, is amended by striking ''professional, technical, or administrative''.

(c) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Personnel Management (referred to in this section as the ''Director'') shall issue proposed regulations under section 5379(g) of title 5, United States Code. The Director shall provide for a period of not less than 60 days for public comment on the regulations.

(2) FINAL REGULATIONS.—Not later than 240 days after the date of enactment of this Act, the Director shall issue final regulations described in paragraph (1).

(d) ANNUAL REPORTS.—Section 5379 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) Each head of an agency shall maintain, and annually submit to the Director of the Office of Personnel Management, information with respect to the agency on—

''(A) the number of Federal employees selected to receive benefits under this section;

''(B) the job classifications for the recipients; and

''(C) the cost to the Federal Government of providing the benefits.

''(2) The Director of the Office of Personnel Management shall prepare, and annually submit to Congress, a report containing the information submitted under paragraph (1), and information identifying the agencies that have provided the benefits described in paragraph (1).''.

AMENDMENT NO. 3481

(Purpose: To make available $33,000,000 for the operation of current Tethered Aerostat Radar System (TARS) sites)

On page 58, between lines 7 and 8, insert the following:

**SEC. 313. TETHERED AEROSTAT RADAR SYSTEM (TARS) SITES.**

(a) FINDINGS.—Congress makes the following findings:

(1) Failure to operate and standardize the current Tethered Aerostat Radar System (TARS) sites along the Southwest border of the United States and the Gulf of Mexico will result in a degradation of the counterdrug capability of the United States.

(2) Most of the illicit drugs consumed in the United States enter the United States through the Southwest border, the Gulf of Mexico, and Florida.

(3) The Tethered Aerostat Radar System is a critical component of the counterdrug mission of the United States relating to the detection and apprehension of drug traffickers.

(4) Preservation of the current Tethered Aerostat Radar System network compels drug traffickers to transport illicit narcotics into the United States by more risky and hazardous routes.

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(20) for Drug Interdiction and Counter-drug Activities, Defense-wide, up to $33,000,000 may be made available to Drug Enforcement Policy Support (DEP&S) for purposes of maintaining operations of the 11 current Tethered Aerostat Radar System (TARS) sites and completing the standardization of such sites located along the Southwest border of the United States and in the States bordering the Gulf of Mexico.

---

AMENDMENT NO. 3482

(Purpose: To make available, with an offset, $7,000,000 for procurement, Defense-Wide, for the procurement and installation of integrated bridge systems for naval systems special warfare rigid inflatable boats and high-speed assault craft for special operations forces)

On page 32, after line 24, add the following:

**SEC. 142. INTEGRATED BRIDGE SYSTEMS FOR NAVAL SYSTEMS SPECIAL WARFARE RIGID INFLATABLE BOATS AND HIGH-SPEED ASSAULT CRAFT.**

(a) INCREASE IN AUTHORIZATION FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104 for procurement, Defense-wide, is hereby increased by $7,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 104, as increased by subsection (a), $7,000,000 shall be available for the procurement and installation of integrated bridge systems for naval systems special warfare rigid inflatable boats and high-speed assault craft for special operations forces.

(c) OFFSET.—The amount authorized to be appropriated by section 103(4), for other procurement for the Air Force, is hereby reduced by $7,000,000.

---

AMENDMENT NO. 3483

(Purpose: To authorize, with an offset, $5,000,000 for research, development, test, and evaluation Defense-wide for Explosives Demilitarization Technology (PE603104D) for research into ammunition risk analysis capabilities)

On page 48, between lines 20 and 21, insert the following:

**SEC. 222. AMMUNITION RISK ANALYSIS CAPABILITIES.**

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Explosives Demilitarization Technology (PE603104D) is hereby increased by $5,000,000, with the amount of such increase available for research into ammunition risk analysis capabilities.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by $5,000,000.

---

AMENDMENT NO. 3484

(Purpose: To permit members of the National Guard to participate in athletic competitions and to modify authorities relating to participation of such members in small arms competition)

On page 200, following line 23, add the following:

**SEC. 566. PREPARATION, PARTICIPATION, AND CONDUCT OF ATHLETIC COMPETITIONS AND SMALL ARMS COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.**

(a) PREPARATION AND PARTICIPATION OF MEMBERS GENERALLY.—Subsection (a) of section 504 of title 32, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) in paragraph (3)—

(A) by inserting ''prepare for and'' before ''participate''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) prepare for and participate in qualifying athletic competitions.''.

(b) CONDUCT OF COMPETITIONS.—That section is further amended by adding at the end the following new subsection:

''(c)(1) Units of the National Guard may conduct small arms competitions and athletic competitions in conjunction with training required under this chapter if such activities would meet the requirements set forth in paragraphs (1), (3), and (4) of section 508(a) of this title if such activities were services to be provided under that section.

''(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with activities under paragraph (1).''.

(c) AVAILABILITY OF FUNDS.—That section is further amended by adding at the end the following new subsection:

''(d) Subject to provisions of appropriations Acts, amounts appropriated for the National Guard may be used in order to cover the costs of activities under subsection (c) and of expenses of members of the National Guard under paragraphs (3) and (4) of subsection (a), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.''.

(d) QUALIFYING ATHLETIC COMPETITIONS DEFINED.—That section is further amended by adding at the end the following new subsection:

''(e) In this section, the term 'qualifying athletic competition' means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.''.

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

**''§ 504. National Guard schools; small arms competitions; athletic competitions''.**

(2) The table of sections at the beginning of chapter 5 of that title is amended by striking the item relating to section 504 and inserting the following new item:

''504. National Guard schools; small arms competitions; athletic competitions.''.

---

AMENDMENT NO. 3485

(Purpose: To amend title 5, United States Code to provide for realignment of the Department of Defense workforce)

On page 436, between lines 2 and 3, insert the following:

**SEC. 1114. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.**

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2001'' and inserting ''September 30, 2005''.

**SEC. 1115. EXTENSION, REVISION, AND EXPANSION OF AUTHORITIES FOR USE OF VOLUNTARY SEPARATION INCENTIVE PAY AND VOLUNTARY EARLY RETIREMENT.**

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 5597 of title 5, United States Code, is amended by striking ''September 30, 2003'' and inserting ''September 30, 2005''.

(b) REVISION AND ADDITION OF PURPOSES FOR DEPARTMENT OF DEFENSE VSIP.—Subsection (b) of such section is amended by inserting after ''transfer of function,'' the following: ''restructuring of the workforce (to meet mission needs, achieve one or more strength reductions, correct skill imbalances, or reduce the number of high-grade, managerial, or supervisory positions in accordance with the strategic plan required under section 1118 of the National Defense Authorization Act for Fiscal Year 2001),''.

(c) ELIGIBILITY.—Subsection (c) of such section is amended—

(1) in paragraph (2), by inserting ''objective and nonpersonal'' after ''similar''; and

(2) by adding at the end the following:

''A determination of which employees are within the scope of an offer of separation pay shall be made only on the basis of consistent and well-documented application of the relevant criteria.''.

(d) INSTALLMENT PAYMENTS.—Subsection (d) of such section is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) shall be paid in a lump-sum or in installments;'';

(2) by striking ''and'' at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(4) by adding at the end the following:

''(5) if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract, as described in subsection (g)(1).''.

(e) APPLICABILITY OF REPAYMENT REQUIREMENT TO REEMPLOYMENT UNDER PERSONAL SERVICES CONTRACTS.—Subsection (g)(1) of such section is amended by inserting after ''employment with the Government of the United States'' the following: '', or who commences work for an agency of the United States through a personal services contract with the United States,''.

**SEC. 1116. DEPARTMENT OF DEFENSE EMPLOYEE VOLUNTARY EARLY RETIREMENT AUTHORITY.**

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended—

(1) in subsection (d)(2), by inserting ''except in the case of an employee described in subsection (o)(1),'' after ''(2)''; and

(2) by adding at the end the following:

''(o)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

''(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

''(i) is separated from the service involuntarily other than for cause; and

''(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

''(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

''(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

''(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

''(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

''(C) The employee is serving under an appointment that is not limited by time.

''(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

''(i) One or more organizational units.

''(ii) One or more occupational groups, series, or levels.

''(iii) One or more geographical locations.

''(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

''(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

''(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office, upon the request of the Secretary of Defense; and

''(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

''(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

''(6) In this subsection, the term 'major organizational adjustment' means any of the following:

''(A) A major reorganization.

''(B) A major reduction in force.

''(C) A major transfer of function.

''(D) A workforce restructuring—

''(i) to meet mission needs;

''(ii) to achieve one or more reductions in strength;

''(iii) to correct skill imbalances; or

''(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended—

(1) in subsection (b)(1)(B), by inserting ''except in the case of an employee described in subsection (d)(1),'' after ''(B)''; and

(2) by adding at the end the following:

''(d)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

''(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

''(i) is separated from the service involuntarily other than for cause; and

''(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

''(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

''(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

''(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

''(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

''(C) The employee is serving under an appointment that is not limited by time.

''(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

''(i) One or more organizational units.

''(ii) One or more occupational groups, series, or levels.

''(iii) One or more geographical locations.

''(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

''(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

''(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office upon the request of the Secretary of Defense; and

''(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

''(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

''(6) In this subsection, the term 'major organizational adjustment' means any of the following:

''(A) A major reorganization.

''(B) A major reduction in force.

''(C) A major transfer of function.

''(D) A workforce restructuring—

''(i) to meet mission needs;

''(ii) to achieve one or more reductions in strength;

''(iii) to correct skill imbalances; or

''(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.''.

(c) CONFORMING AMENDMENTS.—(1) Section 8339(h) of such title is amended by striking out ''or (j)'' in the first sentence and inserting ''(j), or (o)''.

(2) Section 8464(a)(1)(A)(i) of such title is amended by striking out ''or (b)(1)(B)'' and '', (b)(1)(B), or (d)''.

(d) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section—

(1) shall take effect on October 1, 2000; and

(2) shall apply with respect to an approval for voluntary early retirement made on or after that date.

**SEC. 1117. RESTRICTIONS ON PAYMENTS FOR ACADEMIC TRAINING.**

(a) SOURCES OF POSTSECONDARY EDUCATION.—Subsection (a) of section 4107 of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following:

''(3) any course of postsecondary education that is administered or conducted by an institution not accredited by a national or regional accrediting body (except in the case of a course or institution for which standards for accrediting do not exist or are determined by the head of the employee's agency as being inappropriate), regardless of whether the course is provided by means of classroom instruction, electronic instruction, or otherwise.''.

(b) WAIVER OF RESTRICTION ON DEGREE TRAINING.—Subsection (b)(1) of such section is amended by striking ''if necessary'' and all that follows through the end and inserting ''if the training provides an opportunity for an employee of the agency to obtain an academic degree pursuant to a planned, systematic, and coordinated program of professional development approved by the head of the agency.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—The heading for such section is amended to read as follows:

**''§ 4107. Restrictions''.**

(3) The item relating to such section in the table of sections at the beginning of chapter 41 of title 5, United States Code, is amended to read as follows:

''4107. Restrictions.''.

**SEC. 1118. STRATEGIC PLAN.**

(a) REQUIREMENT FOR PLAN.—Not later than six months after the date of the enactment of this Act, and before exercising any of the authorities provided or extended by the amendments made by sections 1115 through 1117, the Secretary of Defense shall submit to the appropriate committees of Congress a strategic plan for the exercise of such authorities. The plan shall include an estimate of the number of Department of Defense employees that would be affected by the uses of authorities as described in the plan.

(b) CONSISTENCY WITH DOD PERFORMANCE AND REVIEW STRATEGIC PLAN.—The strategic plan submitted under subsection (a) shall be consistent with the strategic plan of the Department of Defense that is in effect under section 306 of title 5, United States Code.

(c) APPROPRIATE COMMITTEES.—For the purposes of this section, the appropriate committees of Congress are as follows:

(1) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

(2) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

---

AMENDMENT NO. 3486

(Purpose: To provide for a blue ribbon advisory panel to examine Department of Defense policies on the privacy of individual medical records)

On page 270, between lines 16 and 17, insert the following:

**SEC. 743. BLUE RIBBON ADVISORY PANEL ON DEPARTMENT OF DEFENSE POLICIES REGARDING THE PRIVACY OF INDIVIDUAL MEDICAL RECORDS.**

(a) ESTABLISHMENT.—(1) There is hereby established an advisory panel to be known as the Blue Ribbon Advisory Panel on Department of Defense Policies Regarding the Privacy of Individual Medical Records (in this section referred to as the ''Panel'').

(2)(A) The Panel shall be composed of 7 members appointed by the President, of whom—

(i) at least one shall be a member of a consumer organization;

(ii) at least one shall be a medical professional;

(iii) at least one shall have a background in medical ethics; and

(iv) at least one shall be a member of the Armed Forces.

(B) The appointments of the members of the Panel shall be made not later than 30 days after the date of the enactment of this Act.

(3) No later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting.

(4) The Panel shall select a Chairman and Vice Chairman from among its members.

(b) DUTIES.—(1) The Panel shall conduct a thorough study of all matters relating to the policies and practices of the Department of Defense regarding the privacy of individual medical records.

(2) Not later than April 30, 2001, the Panel shall submit a report to the President and Congress which shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for such legislation and administrative actions as it considers appropriate to ensure the privacy of individual medical records.

(c) POWERS.—(1) The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out the purposes of this section.

(2) The Panel may secure directly from the Department of Defense, and any other Federal department or agency, such information as the Panel considers necessary to carry out the provisions of this section. Upon request of the Chairman of the Panel, the Secretary of Defense, or the head of such department or agency, shall furnish such information to the Panel.

(3) The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) The Panel may accept, use, and dispose of gifts or donations of services or property.

(5) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) TERMINATION.—The Panel shall terminate 30 days after the date on which the Panel submits its report under subsection (b)(2).

(e) FUNDING.—(1) Of the amounts authorized to be appropriated by this Act, the Secretary shall make available to the Panel such sums as the Panel may require for its activities under this section.

(2) Any sums made available under paragraph (1) shall remain available, without fiscal year limitation, until expended.

---

AMENDMENT NO. 3487

(Purpose: To expand the authority of the Secretary of Defense to exempt geodetic products of the Department of Defense from public disclosure.)

On page 353, between lines 15 and 16, insert the following:

**SEC. 914. EXPANSION OF AUTHORITY TO EXEMPT GEODETIC PRODUCTS OF THE DEPARTMENT OF DEFENSE FROM PUBLIC DISCLOSURE.**

Section 455(b)(1)(C) of title 10, United States Code, is amended by striking ''or reveal military operational or contingency plans'' and inserting '', reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities''.

---

AMENDMENT NO. 3488

(Purpose: To make available, with an offset, an additional $2,100,000 for the conversion of the configuration of certain AGM–65 Maverick missiles)

On page 31, after line 25, add the following:

**SEC. 132. CONVERSION OF AGM–65 MAVERICK MISSILES.**

(a) INCREASE IN AMOUNT.—The amount authorized to be appropriated by section 103(3) for procurement of missiles for the Air Force is hereby increased by $2,100,000.

(b) AVAILABILITY OF AMOUNT.—(1) Of the amount authorized to be appropriated by section 103(3), as increased by subsection (a), $2,100,000 shall be available for In-Service Missile Modifications for the purpose of the conversion of Maverick missiles in the AGM–65B and AGM–65G configurations to Maverick missiles in the AGM–65H and AGM–65K configurations.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force is hereby reduced by $2,100,000, with the amount of the reduction applicable to amounts available under that section for ALE–50 Code Decoys.

---

AMENDMENT NO. 3489

(Purpose: To set aside for the procurement of rapid intravenous infusion pumps $6,000,000 of the amount authorized to be appropriated for the Army for other procurement; and to offset that addition by reducing by $6,000,000 the amount authorized to be appropriated for the Army for other procurement for the family of medium tactical vehicles.)

On page 25, between lines 13 and 14, insert the following:

**SEC. 113. RAPID INTRAVENOUS INFUSION PUMPS.**

Of the amount authorized to be appropriated under section 101(5)—

(1) $6,000,000 shall be available for the procurement of rapid intravenous infusion pumps; and

(2) the amount provided for the family of medium tactical vehicles is hereby reduced by $6,000,000.

---

AMENDMENT NO. 3490

(Purpose: To set aside funds for the Mounted Urban Combat Training site, Fort Knox, Kentucky, and for overhaul of MK–45 5-inch guns)

On page 58, between lines 7 and 8, insert the following:

**SEC. 313. MOUNTED URBAN COMBAT TRAINING SITE, FORT KNOX, KENTUCKY.**

Of the total amount authorized to be appropriated under section 301(1) for training range upgrades, $4,000,000 is available for the Mounted Urban Combat Training site, Fort Knox, Kentucky.

**SEC. 314. MK–45 OVERHAUL.**

Of the total amount authorized to be appropriated under section 301(1) for maintenance, $12,000,000 is available for overhaul of MK–45 5-inch guns.

AMENDMENT NO. 3485

Mr. VOINOVICH. Mr. President, on June 6th, Senator DEWINE and I introduced legislation to help the Department of Defense move ahead towards addressing their future workforce needs. Our bill, the Department of Defense Civilian Workforce Realignment Act of 2000, gives the Department of Defense the necessary flexibility to adequately manage its civilian workforce and align its human capital to meet the demands of the post-cold war environment.

The amendment that Senator DEWINE and I are offering today adds the modified language of our bill to this DOD authorization bill so that the U.S. military can more adequately prepare for tomorrow's challenges.

Mr. President, before I speak on the amendment itself, I would like to discuss the human capital crisis that is confronting the Federal Government. Since July of last year, the Oversight of Government Management Subcommittee, which I chair, has held six hearings on federal workforce issues. Some of the issues we have examined include management reform initiatives, Federal employee training needs and the effectiveness of employee incentive programs.

One point that I have emphasized at each of these hearings is that the employees of the Federal Government should be treated as its most valued resource. In reality, Mr. President, Federal employees and human capital management have been long overlooked.

In fact, this past March, Comptroller General David Walker testified before the Oversight Subcommittee that the government's human capital management systems could earn the GAO's ''high-risk'' designation in January 2001. While there are several reasons

why the Federal Government's human capital management is in such disarray, there are suggestions that an improper execution of government downsizing has played a larger role than has been previously recognized.

Walker stated that ''(GAO's) reviews have found, for example, that a lack of adequate strategic and workforce planning during the initial rounds of downsizing by some agencies may have affected their ability to achieve organizational missions. Some agencies reported that downsizing in general led to such negative effects as a loss of institutional memory and an increase in work backlogs. Although [GAO] found that an agency's planning for downsizing improved as their downsizing efforts continued, it is by no means clear that the current workforce is adequately balanced to properly execute agencies' missions today, nor that adequate plans are in place to ensure the appropriate balance in the future.''

Furthermore, the Comptroller General testified that it appeared that many Federal agencies had cut back on training as they were downsizing; the very time they should have been expanding their training budgets and activities to better ensure that their remaining employees were able to effectively do their jobs.

While the problems associated with the downsizing of the last decade are becoming more apparent, the United States is faced with an even greater potential threat to the Government's human capital situation in this decade—massive numbers of retirements of Federal employees. By 2004, 32 percent of the Federal workforce will be eligible for regular retirement, and an additional 21 percent will be eligible for early retirement. That's a potential loss of over 900,000 experienced employees.

Mr. President, any other public- or private-sector manager who faced the loss of more than half of his or her workforce would recognize that immediate action was necessary to ensure the long-term viability of their business or organization. And over the next few years, the United States must seriously address this growing human capital crisis in the Federal Government workforce. It will not be easy—years of downsizing and hiring freezes have taken their toll, as will a pending retirement-exodus for ''baby boomer'' Federal employees. Add to that the lure of a strong private sector economy drawing more young workers away from government service, and the Federal Government will only find it harder to attract and retain the technology-savvy workforce that will be necessary to run the government in the 21st Century.

To meet this challenge, Senator DEWINE and I are offering this amendment that will help one critical department of our Federal Government—the Department of Defense—get a head start in addressing their future workforce needs. As I stated earlier, this amendment gives the Department of Defense the latitude it needs to manage its civilian workforce as well as reshape its human capital for the 21st century. What the Defense Department is able to accomplish via this amendment may serve as a model for use throughout the government.

During the last decade, the Defense Department underwent a massive civilian workforce downsizing program that saw a cut of more than 280,000 positions. In addition, the Defense Department—like other Federal departments—was subject to hiring restrictions. Taken together, these two factors have inhibited the development of mid-level career, civilian professionals within the DOD.

The extent of this problem is exhibited in the fact that right now, the Department is seriously understaffed in certain key occupations, such as computer experts and foreign language specialists. The lack of such professionals has the potential to affect the Defense Department's ability to respond effectively and rapidly to threats to our national security.

Our amendment will assist the Department in shaping the ''skills mix'' of the current workforce in order to address shortfalls brought about by years of downsizing, and to meet the need for new skills in emerging technological and professional areas. In testimony before the Oversight Subcommittee, Comptroller General Walker recognized the need for such actions, noting that, ''(I)n cutting back on the hiring of new staff in order to reduce the number of their employees, agencies also reduced the influx of new people with the new competencies needed to sustain excellence.''

So what will workforce shaping mean to the Department of Defense? In the United States Air Force, workforce shaping will allow the Air Force research labs to meet changing requirements in their mission. For example, at Brooks Air Force Base in San Antonio, they need fewer psychologists and more aerospace engineers; at Rome Air Force Base in Rome, New York, they need computer scientists rather than operations research analysts; and at Wright-Patterson Air Force Based in Dayton, Ohio, they need more materials engineers rather than physicists.

Also, at Wright-Patterson Air Force Base, there is a need to move from the mechanical/aeronautical engineering skills that their senior engineers possess to skills that are more focused on emerging technologies in electrical engineering, such as space operations, lasers, optics, advanced materials and directed energy fields. Changing the skills requirements at Wright-Patterson will help the Base meet their needs for the next 10 to 15 years.

The U.S. Army Materiel Command determined that employees at two of its locations—St. Louis, Missouri and Chambersburg, Pennsylvania—possessed the wrong computer skills to meet the Army's new information technology requirements. Switching from COBAL to a more commercially-oriented computer language, the Army found that their employee's skills did not match the new requirements, nor were their skills readily transferable. Subsequently, this mission was contracted to a private company. Almost 450 Federal jobs were eliminated with many of those scheduled for involuntary separation by reduction in force.

If Voluntary Separation Incentive Pay (VSIP) had been available for reshaping and realignment, the Army may have been able to save some of these employees from involuntary separation by using VSIP to increase voluntary separations. The use of VSIP also could have allowed for the retention of Federal jobs since the Army could have provided separation incentives to the COBAL-trained workers and hired new, commercially-oriented technology workers in their place. Instead, the Army contracted with a private company to meet the mission requirement in a timely manner, and the existing workforce was involuntarily separated.

Even so, the most immediate problem facing the Defense Department is the need to address its serious demographic challenges. The average Defense employee is 45 years old and more than a third of the Department's workforce is age 51 or older. In the Department of the Air Force, for example, 45 percent of the workforce will be eligible for either regular retirement or early retirement by 2005.

Wright-Patterson Air Force Base is an excellent example of the demographic challenge facing many military installations across the country. Wright-Patterson is the headquarters of the Air Force Material Command, and employs 22,700 civilian federal workers. By 2005, 40 percent of the workforce will be age 55 or older. Another 19 percent will be between 50 and 54 years of age. Thirty-three percent will be in their forties. Only six percent will be age 35 to 39, and less than two percent will be under the age of 34. According to these numbers, by 2005, 60 percent of Wright-Patterson's civilian employees will be eligible for either early or regular retirement.

Although a mass exodus of all retirement-eligible employees is not anticipated, there is a genuine concern that a significant portion of the civilian workforce at Wright-Patterson and elsewhere in the Department of Defense, including hundreds of key leaders and employees with crucial expertise, could decide to retire, leaving the remaining workforce without experienced leadership and absent essential institutional knowledge.

This combination of factors poses a serious challenge to the long-term effectiveness of the civilian component of the Defense Department, and by implication, the national security of the United States. Military base leaders, and indeed the entire Defense establishment, need to be given the flexibility to hire new employees so they can develop another generation of civilian leaders and employees who will be able to provide critical support to our men and women in uniform.

That is the purpose of our amendment. It addresses the current skills and age imbalance in the federal workforce before the increase in retirements of senior public employees begins in the next five years. If we wait for this ''retirement bubble'' to burst before we start to hire new employees, then we will have fewer seasoned individuals left in the federal workforce who can provide adequate training and mentoring.

Our amendment will allow the Defense Department to conduct a smoother transition by not waiting for these retirements before bringing new employees into the Department over the next five years with the skills the U.S. needs for the future. As they are hired, the new employees will have the opportunity to work with and learn from their more experienced colleagues, and invaluable institutional knowledge will be passed along.

As I was drafting this proposal, I wanted to make sure that those who would be most impacted by it—Department of Defense civilian employees—would have an opportunity to comment on it. I contacted the American Federation of Government Employees and asked them to provide their opinion of this proposal. After thoroughly reviewing it, AFGE informed me that they did have concerns that the Defense Department might believe this bill authorized them to hire outside contractors to perform work that is currently being done by government employees.

I want to state—emphatically—that this is not the purpose or intent of this amendment. Let me repeat: it is not the intent of this amendment, nor should any intent be construed, to allow the Defense Department to circumvent their obligations to our civilian workforce. The purpose of this amendment is to help the Department ''rightsize and revitalize'' its civilian workforce, not reduce the number of federal full-time equivalent employees. I encourage management officials at the Department of Defense to work closely with the Department's union representatives on the implementation of this measure.

In addition, this amendment allows the early retirement and separation pay authorities to be exercised only for workforce realignment, or for purposes specified in this amendment, or as they exist in current law.

We are not seeking to establish a program to address problems of individual employees' performance. Employee performance problems will continue to be handled by managers, who must use the performance management system under existing law—a system that gives affected employees particular procedural and substantive rights.

Further, our amendment stipulates that the offer of early retirement or separation pay may only be used under a consistent and well-documented application of relevant, objective nonpersonal criteria. Thus, under the amendment, as in existing law, an individual employee may not be ''targeted'' for early retirement or separation pay for the purpose of providing benefits to or affecting the removal of that employee.

Mr. President, our amendment would also require that, no later than six months after this bill becomes law, the Secretary of Defense shall develop a strategic plan for the exercise of the authorities provided by this amendment, and that these authorities cannot be exercised until that strategic plan has been submitted to Congress. This plan shall be consistent with the strategic plan developed by the Department pursuant to the Government Performance and Results Act.

We further expect that the Department's annual Results Act performance reports will include an assessment of the effectiveness and usefulness of these authorities and how the exercise of these authorities in helping the Department achieve its mission, meet its performance goals, and fulfill its strategic plan. Senator DEWINE and I included this section because during the 1990s, many Federal agencies downsized their workforces without first determining their human resources requirements. The purpose of this section is to make sure that the authorities provided by this act are not exercised haphazardly, but in the context of the Department's strategic plan and future requirements.

As a fiscal conservative, I believe that the monetary cost of this amendment pales in comparison to the costs we will incur if we do not begin to address our human capital issue immediately.

We cannot forget that within five years, hundreds of thousands of federal employees will begin to retire. Most of these future retirees have decades of expertise and vital institutional knowledge, and once they are out of the workforce, so too is their ability to train a new generation of federal workers.

It would be incredibly short-sighted if, in an attempt to save money, we simply wait for these hundreds of thousands of defense employees to retire before we even start to consider hiring their replacements. If we do nothing, I believe we will be left in a position where the civilian component of the Defense Department will be subject to an ''experience gap'' that will take years to overcome and which would be measured not in dollars but in diminished national security.

We must give the Department of Defense the tools it needs to bring in new federal employees, with the skills necessary to meet the challenges of tomorrow. While this amendment does not address all of the human capital needs of the Defense Department, it is an important first step and will help ensure that the Department of Defense recruits and retains a quality civilian workforce so that our armed forces may remain the best in the world. It is extremely important to the future vitality of the Department's civilian workforce and the national security of the United States that we address the human capital crisis while we have the opportunity.

I urge my colleagues to support this amendment.

Mr. LIEBERMAN. Mr. President, I rise to discuss provisions (Section 906) in the FY 2001 National Defense Authorization Act (S. 2549) aimed at supporting efforts within the Department of Defense to develop a set of operational concepts, sometimes referred to as ''Network Centric Warfare,'' that seek to exploit the power of information and US superiority in information technologies to maintain dominance and improve interoperability on the battlefield. I am very pleased to have been joined in the development of these provisions by my able colleagues, Senators ROBERTS and BINGAMAN. This concept of operations generates increased combat power by networking sensors, decision makers and shooters to achieve shared situational awareness, increased speed of command, higher tempo of synchronized operations, greater lethality, increased survivability, and more efficient support operations. In the words of Vice Admiral Arthur Cebrowski, the President of the Naval War College, ''Network Centric Warfare is an embodiment of the emerging theory of warfare for the Information Age.''

As we strive to transform our military to meet the challenges and threats of the new century, it is clear that we must make better use of our huge advantages in information technology, sensors, networks, and computing to achieve battlefield dominance. Network Centric Warfare exploits these advantages not only by identifying, developing, and utilizing the best new networking and sensing technologies, but also by adjusting our existing doctrine, tactics, training and even acquisition, planning, and programming to reflect the network centric concepts of operations. A truly networked force can be lighter, faster, more precise, more Joint and more

able to respond to contingencies ranging from peacekeeping to major regional conflicts.

In Joint Vision 2020, the Joint Chiefs of Staff highlight the critical role that information and information systems will play in future operations, stating:

* * * the ongoing ''information revolution'' is creating not only a quantitative, but a qualitative change in the information environment that by 2020 will result in profound changes in the conduct of military operations. In fact, advances in information capabilities are proceeding so rapidly that there is a risk of outstripping our ability to capture ideas, formulate operational concepts, and develop the capacity to assess results. While the goal of achieving information superiority will not change, the nature, scope, and ''rules'' of the quest are changing radically.

Information superiority provides the joint force a competitive advantage only when it is effectively translated into superior knowledge and decisions. The joint force must be able to take advantage of superior information converted to superior knowledge to achieve ''decision superiority''—better decisions arrived at and implemented faster than an opponent can react, or in a noncombat situation, at a tempo that allows the force to shape the situation or react to changes and accomplish its mission. Decision superiority does not automatically result from information superiority. Organizational and doctrinal adaptation, relevant training and experience, and the proper command and control mechanisms and tools are equally necessary.

The legislation in Section 906 of S. 2549 explores many of the facets of this Joint vision of a networked force and operations.

It is clear that there have been chronic difficulties and deficiencies in our recent military operations, including Kosovo, associated with Service-centric boundaries and segmentation of operational areas by Service, which have resulted in a number of interoperability failures and inefficiencies. Reports have suggested that we continue to have difficulty collecting, processing, and disseminating critical information to our battlefields. These shortfalls, for example, severely limited our ability to make full use of the capabilities of our JSTARS aircraft or to effectively strike mobile targets. Earlier in this session, the Armed Services Committee received testimony concerning Kosovo operations from Lieutenant General Michael Short, the Commander of Allied Air Forces in Southern Europe, where he highlighted improvements made within the Air Force to move targeting information from intelligence assets (for example, U–2s) to some combat aircraft. But he also pointed out the need to expand these efforts,

* * * we need to be able to do that across the fleet, to move information to A–10s and F–16s and F/A–18s and F–14s, everything we have got, * * * to rapidly respond to the emerging situation.

It is also clear that these problems do not all stem from technological deficiencies. In fact, many of the interoperability difficulties that we see today result from force and organizational structures, doctrine, and tactics that have not kept pace with technological change. Admiral James Ellis, the Commander-in-Chief of Allied Forces in Southern Europe, highlighted these problems for the Committee, stating about the Kosovo operation,

There are clearly opportunities for us to, through firewalls and the like, to pass data, * * * that we were not able to during this effort that require attention as well, so that at a staff level as well as at a planning and execution level we have the ability to communicate as freely as we need to in order to ensure that we've got the security and the capability that the alliance is capable of delivering.

The networking of our military assets and the training of our personnel and transformation of our forces to adapt to an information-centric environment will be critical for future military operations. Theater Missile Defense is an excellent example of the need for this type of network centric approach. Given the global proliferation of missile technology and weapons of mass destruction, we are moving toward a robust missile defense capability to protect our warfighters deployed overseas. The Theater Missile Defense mission depends on the seamless linking of multiple Joint assets and on the timely passing of critical information between sensors and shooters. Earlier this year, Lieutenant General Ron Kadish testified that we have got ''some long work ahead'' to make our various Theater Missile Defense efforts interoperable. We must all work to ensure that we develop the space-based and airborne sensing systems, interoperable networking and communications systems, and Joint operations and organizations needed to perform this vital mission.

After extensive discussions with a variety of Agency and Service officials, I believe that although there are many innovative efforts underway throughout the Department to develop network centric technologies and systems, as well as to establish mechanisms to integrate information systems, sensors, weapon systems and decision makers, these efforts are too often underfunded, low-priority, and not coordinated across Services. In many cases, they will unfortunately continue the legacy of interoperability problems that we all know exist today. To paraphrase one senior Air Force officer, we are not making the necessary fundamental changes—we are still nibbling at the edges.

The legislation incorporated into the Defense bill calls for DoD to provide three reports to Congress detailing efforts in moving towards Network Centric forces and operations.

Section 906(b) calls for a report focusing on the broad development and implementation of Network Centric Warfare concepts in the Department of Defense. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff are asked to report on their current and planned efforts to coordinate all DoD activities in Network Centric Warfare to show how they are moving toward a truly Joint, networked force. The report calls for the development of a set of metrics as discussed in Section 906(b)(2)(C) to be used to monitor our progress towards a Joint, network centric force and the attainment of fully integrated Joint command and control capabilities, both in technology and organizational structure. These metrics will then be used in more detailed case studies described in Section 906(b)(2)(E)—focusing on Service interoperability and fratricide reduction.

The legislation also requires the Department to report on how it is moving towards Joint Requirements and Acquisition policies and increasing Joint authority in this area to ensure that future forces will be truly seamless, interoperable, and network-centric, as described in Sections 906(b)(2) (F) through (I). Many view these Joint activities as being critically necessary to achieving networked systems and operations. Unless we move away from a system designed to protect individual Service interests and procurement programs, we will always be faced with solving interoperability problems between systems. For example, strengthening the Joint oversight of the requirements for and acquisition of all systems directly involved in Joint Task Forces interoperability would provide a sounder method for acquiring these systems. We need to move away from a Cold War based, platform-centric acquisition system that is slow, cumbersome, and Service-centric. As part of this review, we ask DoD to examine the speed at which it can acquire new technologies and whether the personnel making key decisions on information systems procurement are technically trained or at least supported by the finest technical talent available. We also need to ensure that Service acquisition systems are responsive to the establishment of Joint interoperability standards in networking, computing, and communications, as well as best commercial practices.

In the operations support area, DoD can follow the example of the private sector—which has embraced network centric operations to improve efficiency in an increasingly competitive environment. Companies as different as IBM and WalMart are both moving to streamline and unify their networks and to make their distribution, inventory control and personnel management systems more modern and information-centric. Successful firms are not only buying the newest technology, they are also changing their operations and business plans to deal with the new

networked environments. Section 906(b)(2)(J) calls for the Department to study private sector efforts in these areas and evaluate their past successes and failures as they can inform future DoD activities.

Section 906(c) describes the second report, which examines the use of the Joint Experimentation Program in developing Network Centric Warfare concepts. Network Centric Warfare is inherently Joint, and the Commander in Chief of Joint Forces Command is in the best position to develop new operational concepts and test the new technologies that support it. The report calls for a description of how the Joint Experimentation Program and the results of its activities are to be used to develop new Joint Requirements, Doctrine, and Acquisition programs to support network centric operations. It also requires the development and description of a plan to use the Joint Experimentation program to identify impediments to the development of a joint information network, including the linking of Service intranets, as well as redesigning force structures to leverage new network centric operational concepts.

The final report, described in Section 906(d), focuses on the coordination of Service and Agency Science and Technology investments in the development of future Joint Network Centric Warfare capabilities. In moving towards a more Joint, networked force we must continue to ensure that we provide our nation's warfighters with the best technologies. We must increase our investments in areas such as sensors, networking protocols, human-machine interfaces, training, and other technologies outlined in Section 906(d)(2)(A), especially in the face of declining S&T budgets. The report requires the Undersecretary of Defense for Acquisition, Technology, and Logistics to explain how S&T investments supporting network centric operations will be coordinated across the Agencies and Services to eliminate redundancy and better address critical warfighter, technology, and R&D needs. This is more important than ever as we develop our next generation of weapon systems—better coordination and establishment of common standards in the technology development stages can only help to alleviate future interoperability problems.

The Undersecretary's planning and evaluation of investments in S&T for a network centric force must also address the role of the operator in a network centric system. We must pay more attention to the training of our combat and support personnel so that they can make the best use of information technologies, as well as investing more in research on learning and cognitive processes so that our training systems and human-machine interfaces are optimized.

The investments recommended in the report should also accommodate the incredible pace of change in information technologies that is currently driven by the commercial sector. To address this, Section 906(d)(2)(B) calls for an analysis of how commercially driven revolutions in information technology are modifying the DoD's investment strategy and incorporation of dual-use technologies.

I believe this legislation will help focus the Pentagon and Congress' attention on the need to move our military into a more information savvy and networked force. I hope that these three key reports set forth the needed organizational, policy, and legislative changes necessary to achieve this transformation for decision makers in the military, Administration, and in Congress. I believe that our future military operations must be network centric to preserve our technological and operational superiority. I look forward to receiving plans and proposals to help get us there efficiently and effectively.

Mr. DEWINE. Mr. President, earlier today, I voted to table Senator MURRAY's amendment to the FY2001 Department of Defense authorization bill. This amendment, which was successfully tabled, would have allowed for the performance of abortion services on our military bases. It is clear to me, Mr. President, that this amendment would have violated the spirit of the Hyde law, which prohibits Government-funded abortions.

Proponents of the amendment attempted to get around this prohibition by requiring that women receiving abortions on military installations pay for their own abortions. But, Mr. President, this simply does not eliminate government involvement in the delivery of abortion services. Military doctors would have to perform the abortions voluntarily, or our Armed Forces would have to contract with private doctors to perform the abortions.

Mr. President, we cannot turn our military bases into abortion clinics. Clearly, the federal government is prohibited from the provision of abortions, and should not be in the business of facilitating any abortion services on our military bases. Our federal government has no role to play in providing abortion services. It is that simple.

Mr. WARNER. Mr. President, if I may inquire, as I understand it, today the Senate will not further consider the armed services bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I thank the Chair, and I yield the floor.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 2522 by title.

The assistant legislative clerk read as follows:

A bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the pending bill provides $13.4 billion for foreign assistance programs. By comparison, last year the Senate voted 97–2 for a $12.6 billion bill and the President signed a $13.7 billion bill. Given the budget constraints, the fact that we are just below last year's final level is a tribute to Senator STEVENS' and Senator BYRD's adept management of allocations.

I think the bill strikes a good balance between meeting emerging requirements yet requiring accountability for the funds we make available.

In terms of meeting emerging global needs, we have invested $651 million in a new, global health initiative which will help ramp up immunizations and combat malaria, tuberculosis, polio, and AIDS. Senator LEAHY deserves special recognition for his efforts to establish this initiative with adequate funding. The committee's interest in health began several years ago when we earmarked $25 million for polio programs. The administration's initial howls of protest have been silenced since we are on the verge of wiping out the disease thanks largely to the public-private collaboration between the Rotary Club and international donors.

We have a unique opportunity, if not responsibility, to replicate the success of this public-private partnership in other health areas, given recent generous support for vaccination research and programs by pharmaceutical companies and the Gates Foundation.

The bill also increases funding for key countries in the Balkans struggling to accelerate economic and political reforms. The administration requested $195 million in a supplemental and $610 million for 2001. Instead of adding to emergency spending, the committee has increased the overall amount made available for fiscal year 2001 to $635 million rather than add to emergency spending. I do not think the region needs more money so much as it requires better management of American resources. With $635 million, I think we have more than adequately responded to the needs of the region.

Within this increase we were able to provide $89 million for Montenegro and

$60 million for Croatia, which in each case combined the Supplemental and 2001 request. Our assistance to the government in Montenegro is a lifeline as they struggle to address mounting political and economic pressure applied by the regime in Belgrade. Within the last few weeks we have seen an escalation of political violence which can be traced to Belgrade including the assassination of a presidential bodyguard and an attack on a member of the political opposition. We need to be clear about U.S. support for the embattled Montenegrin Government.

Croatia's recent elections renew prospects for real reforms and real growth, which I expect our funding help encourage. I commend the new government for making serious commitments to allow for the return of refugees, suspend support for extremists in Bosnia, and press forward with political and economic reforms. To give the new government some leverage, the bill includes those commitments as benchmarks for releasing our assistance.

As the Croatian provisions illustrate, this bill is not just about spending. It is fundamentally about accountability—we must have more confidence that the resources we commit will, in fact, achieve results.

U.S. resources cannot singlehandedly rebuild, rehabilitate, reform, or develop a nation, but we can assure that aid is effectively administered and we must guarantee our partners—including other donors, recipients, and nongovernment organizations—all share the burden and share our commitment to free market economics and democracy.

I think it is pretty clear in Kosovo we are off track. Last year, we earmarked $150 million for Kosovo with the requirement that our pledge would not exceed 15 percent of the total committed by European and other donors. We also made clear we would not assume any responsibility for major infrastructure reconstruction. The initial affect of this conditionality was positive, and the Secretary of State was able to determine that other donors pledged enough to meet at least 85 percent of the resource requirements. Unfortunately, those pledges have been slow to materialize. Donor support for roads, clinics, schools, utilities, courts, and industry is imperceptible.

Instead of supporting an effort to build up Kosova, we are building up a U.N. bureaucracy—and a pretty incompetent one at that. UNMIK is like a huge Macy's Thanksgiving Day float—bloated and detached—drifting far above the crowd—fluttering in a confetti cloud of rulings, edicts, ordinances, and injunctions.

Few Kosovars I talk with can point to a single meaningful accomplishment. Instead, they suggest Serb rule has been supplanted by the United Nations—a more benign influence, perhaps, but every bit as indifferent and irrelevant to real Kosovar needs.

And, we are expected to pay the lion's share for this waste. For months, the committee has been besieged by requests to release funds because of urgent shortfalls and gaps other donors have failed to fill.

We are making the same mistake we made in Bosnia. And it isn't just the U.N.'s failure. Within weeks of setting up a mission, AID set off on a course to fund large-scale contracts with groups that had no local experience or no inclination to build up and to leave behind a strengthened local civic society.

To address these problems, the bill structures new conditions on our support for Kosovo. This year, we have modified language so that U.S. actual expenditures do not exceed 15 percent of the total actual expenditures by all donors. And, we require that 50 percent of all resources flow through local nongovernment organizations which know what they are doing and have the only, real prospect of making a difference at the community level.

Turning to Russia, the new Putin government is untested in many respects, but not in its ability to wage a ruthless war against civilians in Chechnya. After creating 440,000 refugees, Moscow not only is limiting access by international relief workers, they have stonewalled international attempts to allow investigations of alleged war crimes and atrocities.

The Clinton administration has made a bad situation worse. Not only did they refuse to vote in support the U.N. Human Rights Commissioner's call for an international investigation and tribunal, the Bureau of Refugees and the U.S. Embassy in Moscow have rejected requests to support the courageous relief workers operating in the region. The Department argues they don't want to encourage groups to enter unsafe areas. This is both disingenuous and unjust—these groups are already in Chechnya and Ingushetia desperate for contributions. What the administration refuses to admit is they simply don't want to challenge or upset the Russians. This is a dangerous, longstanding pattern which compromises our values and our interests.

Russia's war against the Chechen people makes me wonder what kind of democracy the administration has helped fund with more than $5 billion in assistance.

Over the years, and including administration veto threats, we have tried—and often failed—to establish benchmarks and conditions on U.S. aid to Russia. This year, we have conditioned further support to the Russian Government upon certification that the Putin government is allowing relief workers unimpeded access in Chechnya and Ingushetia. We also require certification that the Russian Government is fully cooperating with international investigations of war crimes and atrocities committed in Chechnya and relief efforts. Finally, of money made available to Russia, we have earmarked $10 million for nongovernment organization relief operations in Chechnya and Ingushetia.

Turning to our hemisphere, after spending more than $2 billion in Haiti, most of us are frustrated by the fact that it remains the poorest country in the hemisphere with political assassinations and violence a staple of daily life. Only real political change holds out hope of producing stability and economic progress, so we have conditioned further assistance upon certification that the Preval government has allowed free and fair elections to proceed and that a parliament is seated on schedule this month.

That may prove difficult given yesterday's news. Apparently, according to the New York Times, Haiti's top election official fled the country, ''fearing for his life after he refused to approve results for last month's contested legislative and local elections.''

Now, let me take a moment to describe the committee's treatment of the Colombia supplemental request. Our disposition of Plan Colombia differs from the request in four ways.

First, within the Foreign Operations area, the overall funding is lower. The administration requested $1,073,500,000. The Committee has appropriated $934,100,000.

Second, that lower funding level is primarily a result of providing a different helicopter package. The request was for 30 Blackhawks at a cost of $388 million. We have provided 60 Huey IIs at a cost of $118.5 million. These numbers include the first year's operating costs.

Third, with the savings in the helicopter package we were able to invest in a regional strategy and substantially increase aid to Bolivia, Ecuador, and Peru. I felt the administration's singular focus on Colombia guaranteed that the production and trafficking problem would simply be pushed across the border. The bill's regional emphasis on interdiction and development keeps Colombian traffickers from becoming a moving target. We more than doubled the regional request of $76 million and provided $205 million.

This level allowed us to fully fund Bolivia's request of $120 million for both alternative development and interdiction programs. With an impressive track record in eradication of coca and alternative development, Bolivia deserves our continued support as the government completes the task. The results in Bolivia are truly noteworthy, almost to the point of being astonishing.

Similarly, we nearly tripled the support for Ecuador while increasing aid to the Peruvian Government as well.

Fourth and finally, we added $50 million to the $93 million request for

human rights monitoring. As the military pressure picks up, so will the likelihood of abuses, so we have expanded witness, prosecutor, and judicial protection programs as well as support to monitoring groups. We have also conditioned aid on the Secretary of State certifying that the Colombian military is in full compliance with their own laws requiring the prosecution of military officers in civilian courts for alleged human rights abuses. This should help end the pattern of allowing these cases to be dropped in military courts.

In addition to supplemental funds for Colombia, the administration also submitted a $193 million supplemental request for Mozambique, only $10 million dedicated to meeting immediate disaster needs. While there is no question the flooding in Mozambique was a disaster, the question the committee had to consider was whether the requested funds were for immediate urgent needs or long-term rehabilitation and reconstruction which should be addressed in the fiscal year 2001 regular spending bill. What we chose to provide in emergency spending will offer immediate relief on a one-time basis, rather than support the longer-term reconstruction and rehabilitation needs which can be covered by the increase we provided in the 2001 development assistance.

Finally, the committee was asked to support a $210 million supplemental package for a contribution to the Heavily Indebted Poor Countries Initiative Trust Fund. The committee has provided an initial commitment of $75 million pending authorization legislation currently being considered by the Banking Committee.

With that, let me pass the baton to my friend and colleague, Senator LEAHY, with whom I have enjoyed working on this legislation each year during our time together, as either chairman or the ranking member. I express my gratitude to him for his friendship and the cooperative way in which we have proceeded every year.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Kentucky for his gracious comments.

I am very pleased to join my friend from Kentucky, Senator MCCONNELL, who as chairman of the Foreign Operations Subcommittee has done a superb job getting this bill to the floor.

The Appropriations Committee reported this bill on May 9 after very little debate. The fact that it sailed through our committee was a reflection of the bipartisan way the bill was put together. We did everything possible to accommodate the wishes of Senators on both sides of the aisle.

This bill is $780 million above last year's Senate foreign operations bill. We increased funding for global health programs, which many Senators support.

We increased export assistance. We increased funding for a number of other important programs. That is the good news. But this bill is $350 million below last year's enacted level, and $1.7 billion below the President's 2001 budget request.

We were not able to fully fund several programs that have broad support, such as the Peace Corps, but I expect that more will be done in the conference committee.

The bill also does not respond adequately to the emergency disaster needs in Mozambique, which was devastated by floods earlier this year. We provided only $25 million out of a request of $193 million. I cannot help but compare the billions we have spent to relieve the suffering of people in Bosnia and Kosovo, with our minuscule aid to Southern Africa.

The bill provides only $75 million of the $435 million in emergency supplemental and fiscal year 2001 funding for debt relief for the poorest countries, which has bipartisan support in both the House and Senate. This is an international initiative led by the United States. We need to do our share.

We also fell short on the International Development Association, the soft-loan window of the World Bank. We are about $85 million short.

I have some real concerns about the way the World Bank is handling staff complaints of misconduct, such as harassment and retaliation.

I am preparing some proposals for the World Bank to address these problems.

Several Senators, both Democrats and Republicans, have written to me urging more funding for the Global Environment Facility, which supports programs to protect the ozone, reduce ocean pollution, and protect biodiversity. We were only able to provide $50 million, out of a request of $175 million.

Some have complained that the GEF is funding the Kyoto Protocol. Those critics owe it to the GEF to specify which activities they oppose, rather than making vague objections that are not based on facts. We need to find common ground on addressing these critical environmental problems.

Finally, I want to address the emergency funding for Colombia, which was attached to this bill in the committee. I want to help Colombia, which is facing threats from left-wing guerrillas, right-wing paramilitaries, and drug traffickers allied with both.

I also have a lot of respect for Colombia's President Pastrana. We are already giving hundreds of millions of dollars to Colombia.

But I cannot endorse a proposal that would vastly increase our military involvement in Colombia that is so poorly thought out and suffers from so many unanswered questions.

Although the administration does not like to talk about it, this is only the first billion-dollar installment of a multiyear, open-ended commitment of many more billions of dollars.

Nobody can say what they expect this to cost, what we can expect to achieve, in what period of time, how intensifying a war that cannot be won will lead to peace, or what the risks are to hundreds of American military and civilian personnel in Colombia or to Colombian civilians. I have asked the Administration these questions, but their answers are vague at best.

Even the goal is vague. If it is to stop the flow of illegal drugs into the United States, that is wishful thinking. If it is to defeat the guerrillas, this is not the way to do it. I think the American people deserve better answers before we spend billions of their tax dollars on another civil war in South America.

Having said that, I very much appreciate Chairman MCCONNELL's willingness to include a number of conditions on the aid, which have strong bipartisan support. If this Colombia aid passes, these human rights conditions and reporting requirements are essential to ensure that the aid is not misused and that human rights are protected.

As with many other appropriations bills, we are going to need to get a higher allocation if the President is going to sign this bill. But as the Chairman of the Appropriations Committee, Senator STEVENS, has said, this is one step in the process. I believe it is a good start and that we should pass this bill. There is no reason why we cannot wrap it up very quickly.

With the distinguished chairman on the floor, I tell him that on my side of the aisle, I urge anybody who has amendments to get them over here and let us try to wrap it up in the morning so that by early tomorrow afternoon we can go on to a different bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I say in response to the suggestion of the Senator from Vermont, I believe we now do have a consent agreement that will allow us to move ahead, not quite as rapidly as the Senator from Vermont and I had hoped.

Mr. LEAHY. Mr. President, I must say that the Senator from Kentucky would probably like to do it at the same speed I would but we are both realists in this regard.

Mr. MCCONNELL. I believe this will move us toward a completion, hopefully by early evening tomorrow.

Therefore, Mr. President, I ask unanimous consent that all first-degree amendments to the pending bill must be filed at the desk by 3 p.m. on Wednesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JUNE 21, 2000

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 21. I further ask unanimous consent that on Wednesday immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and Senator GRAHAM of Florida be recognized in morning business for up to 40 minutes, to be followed by Senator VOINOVICH for 40 minutes, and the Senate then resume consideration of the foreign operations appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. I further ask unanimous consent that when the Senate resumes the bill at approximately 11 a.m., Senator WELLSTONE be recognized to offer his amendment regarding Colombia, no second-degree amendments be in order prior to a vote in relation to the amendment, and there be 90 minutes for debate prior to the vote under the control of Senator WELLSTONE and 45 minutes under the control of myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, in light of that, there will be no further rollcall votes this evening.

We have the Senator from Alabama on the floor ready to offer an amendment and to talk about that some tonight. I believe the occupant of the Chair is also interested in discussing an amendment of his own tonight.

Mr. LEAHY. Mr. President, before we go to the Senator from Alabama, as I understand it, anything we may do tonight would be simply in the form of discussing amendments and then laid aside.

I see the distinguished Senator from Alabama on the floor.

I don't want to delay that any further.

I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001—Resumed

AMENDMENT NO. 3492

(Purpose: To provide an additional condition on assistance for Colombia)

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS) proposes an amendment numbered 3492.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 144, strike line 22 and insert the following: aiding and abetting these groups; and

(D) the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights, that are necessary to resolve effectively the conflicts with the armed insurgents that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

Mr. SESSIONS. Mr. President, I would like to talk a little about this amendment tonight, in general terms, and talk a little more precisely about it in the morning. Therefore, I ask unanimous consent that there be time tomorrow for me to have approximately 30 minutes sometime during the day to speak on the amendment, unless some others would want more time on the other side.

Mr. MCCONNELL. Mr. President, will the 30 minutes for the Senator from Alabama come after the consideration of the Wellstone amendment, which we have already locked in?

Mr. SESSIONS. Yes. That would be satisfactory to me, and such other accommodations we can make to make it better for the managers.

Mr. LEAHY. Will the Senator from Alabama amend that to request that this side have an equal amount of time on his amendment tomorrow, which we may or may not use?

Mr. SESSIONS. I will.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I am troubled by our efforts, which I support, to help the nation of Colombia.

I serve on the Narcotics Committee. I serve on the Armed Services Committee. Over quite a number of months, we have had testimony and hearings involving this issue. I have become quite concerned about the stability of the nation of Colombia. I believe it is a democracy, and it is one of the oldest in the Western Hemisphere. It is worthy of our support.

I believe Colombia is in a critical point in its history with over 50 percent of its territory—or at least over 40 or perhaps 50 percent of its territory—under the hands of insurgent forces. This great nation is in trouble.

I hope we can devise a way to effectively assist them in their efforts to preserve democracy and freedom, economic growth and prosperity, and safety and freedom for their people.

That is the intent of my amendment. It goes to an issue that I think is important.

This is the problem we are dealing with. The President, his State Department, and his representatives have testified and said repeatedly that our goal here is to reduce drugs in America and to save lives in America.

Our goal is to fight drug dealers in Colombia. Our goal is to help defoliate and destroy coca production in Colombia. The administration has steadfastly avoided and refused to say that this Nation, the United States of America, stands with the democratically-elected Government of Panama against two major Marxist organizations that seek to overthrow the Government of Colombia, and have actually occupied large portions of that nation.

It is baffling to me why this is so. I do not understand what it is. Maybe it is an effort to appease the hard left in this country. Maybe it is an effort to appease certain liberal Members of this Senate who just can't see giving money to fight a left-wing guerrilla group anywhere in the world. Indeed, I can't recall an instance in which this administration has ever given any money to support democratically-elected governments, or other kinds of governments, for that matter, against left-wing Marxist guerrillas.

These guerrilla groups have been involved in Colombia for many years. They have destabilized the country. They have undermined economic progress. They have provided cover and protection for drug dealers. They have in fact damaged Colombia substantially.

I believe it is time for us to encourage Colombia to stand up to these organizations, to retake this country, and to preserve democracy in the country. It is a serious matter, in my view.

Colombia has been an ally. We have encouraged them to enter into peace negotiations, and President Pastrana has tried his best to negotiate with these guerrilla groups. In fact, Colombia has given a piece of their territory, I am informed, the size of Senator LEAHY's State of Vermont to the guerrillas as a cease-fire zone, a safe zone in which they can operate without fear, and that the duly constituted Government of Colombia would not enter there and do something about it while they attempt to establish peace. But this concession, this appeasement to the guerrilla groups, has not appeased them. It has not caused them to be less violent or aggressive. But in fact it appears it has encouraged them in some ways.

I believe Colombia is at the point where they can achieve stability. I believe they can drive home, through a combination of diplomacy and military efforts to these insurgent forces, that war is not going to pay off, that war is a dead-end street for everyone, that they are willing to accept divergent views in their democracy, that they are willing to hear from the underlying concerns of the guerrilla groups. In fact, President Pastrana has said that over and over again. But fundamentally they have to send a message that they are willing to pay the price, that they are going to produce an army capable of putting these guerrillas on the

defensive, and that they will take back their territory and unify their country.

There are also right-wing para-military groups in the country, a right-wing militia, that is involved in terrorist-type acts and violations of human rights. They also need to be defeated and disbanded before Colombia can be unified. There can be no higher goal than that, from my perspective, for our country at this critical point in time.

What are our goals? Why won't the President discuss them plainly? Our goal in Colombia is to produce regional stability. The collapse of Colombia can undermine nearby nations, whether Bolivia or Peru or other countries that border it. It can have a tremendous adverse effect on their stability.

Instability in Columbia, should it occur, would knock down and damage one of our strongest trading partners. Colombia has 40 million people. Those people trade with the United States to a heavy degree. It would be a tragedy if they were to sink into chaos and could not maintain a viable economy. We have a self-interest in that, but we have a real human interest in trying to make sure we utilize our abilities, our resources, to help that nation to right itself and take back its territory.

As I had occasion to say to President Pastrana recently: I want to see that we help. I want to help you strengthen your country. But I would like you to think about a great American. I would like you to think about Abraham Lincoln, who was faced with division of his country. Nearly 50 percent of his country had fallen under the hands of the Southern States. He had to make a big, tough decision. That decision was whether he was going to accede to that, was he going to allow the United States to be divided. He decided no, and he rallied the American people.

In the course of it, as I told Senator BIDEN, at one point when we discussed it, he had the occasion to have my grandfather killed at Antietam, who fought for the South at that time. But that was a tough war. It was a tough decision. But in the long run, this country is better because we are unified today.

I do not believe we can achieve any lasting ability to reduce drugs being imported into this country from Colombia if Colombia cannot control its territory. How is it possible we can expect we will make any progress at all if Colombia cannot control nearly 50 percent of its territory? It boggles the mind.

I have been a Federal prosecutor for 15 years. Prosecuting drug cases was a big part of my work starting in the mid-1970s, through the 1980s and through the early 1990s. At one point, I chaired the committee in the Department of Justice on narcotics. I had briefings from everybody. During the time I was working on this issue, we believed and worked extraordinarily hard to achieve the end of drugs in America by stopping drug production in South America. Colombia, for well over 20 years, has been the primary source of cocaine for this country. They remain so. In fact, cocaine production in Colombia has exploded. It has more than doubled in the last 3 years. It is a dramatic increase. That is a concern of ours.

I believe we can, I believe Colombia can, make some progress in reducing that supply. My best judgment tells me that after years of experience and observation, this Nation is not going to solve its drug problem by getting other countries in South America to reduce their production. In fact, an ounce of cocaine sells in the United States for maybe $150. The cost of the coca leaf utilized to make that $150 product is about 30 cents. Farmers in South America are making a lot of money producing coca at 30 cents for those leaves. They could pay them $2, $3, $4, 10 times what they are paying now for coca leaf, and these farmers would yield to the temptation and produce coca.

I do not believe this market of illegal cocaine is going to be eliminated from our country by efforts to shut off production in South America. The reason countries need to shut off the production of cocaine—and Bolivia and Peru have made progress in that regard—is to preserve the integrity of their own country. They do not want to allow illegal Mafia-type drug cartels to gain wealth and power to destabilize their countries in democracy and turn it into chaos and violence as has so often occurred. They have a sincere interest in achieving that goal, but that interest has to be understood to be primarily their own interest.

This administration refuses to talk about the real situation in Colombia. It refuses to be honest with the American people. Their foreign policy request was $1.6 billion. That has been approved in the House. This bill wisely reduces that, I believe, to a little less than $1 billion. They are requesting this much money to make a government that our Nation, the President, and the Secretary of State will not assert to be a country we support in their efforts against these guerrilla groups. I believe that is wrong. I think we need to be more clear eyed, more honest about our foreign policy. I believe that would be the healthy approach. It will help the American people to understand exactly what their money is being spent for. It will help them to understand what our goals are in the region. It will help them to understand whether or not we are achieving those goals.

If we do so correctly, we could utilize this money to inspire President Pastrana and the people of Colombia to rise up, take back their country, to preserve their democracy, take back their territory from those who don't believe in democratic elections, who kidnap, kill, protect drug dealers, who rob and steal. That is what is going on.

We can do something about it. We have an opportunity to utilize the wealth of this country to encourage that kind of end result. If we do so, it would be a magnificent thing for the country. To say we will spend $1 or $2 billion in Colombia, give it to a country we don't even support in their efforts to take back their territory, is typical of the kind of disingenuousness that has characterized this administration's foreign policy. It is not healthy. It should not be done.

Therefore, I have offered a simple amendment that will say one thing: Mr. President, you can spend this money, but you have to publicly state and assert and certify to this Congress that you support the duly elected Government of Colombia in their efforts against the Marxist, drug dealing insurgents who are bent on destroying the nation.

This is more important than many know. I thank the distinguished Senator from Kentucky for allowing me to have this time, and more than that, for his leadership on a foreign operations bill that protects the interests of the United States. It is frugal, as frugal can be in this day and age. He has done his best to contain excessive spending and has improved and reduced this spending bill. I appreciate his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I thank my friend from Alabama. We look forward to dealing with his amendment tomorrow.

In that regard, the Senator from Pennsylvania, Mr. SPECTER, has an amendment related to cooperation with Cuba on drug interdiction that he would like to have considered after the Sessions amendment is disposed of tomorrow. That has been cleared on both sides of the aisle.

Therefore, I ask unanimous consent that the Specter amendment be taken up after the disposition of the Sessions amendment on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent the pending Sessions amendment be set aside so I can offer an amendment for consideration at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3493

(Purpose: To make available funds for India)

Mr. BROWNBACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 3493.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

**SEC. ___. AVAILABILITY OF APPROPRIATED FUNDS FOR INDIA.**

Funds appropriated by this Act (other than funds appropriated under the heading ''FOREIGN MILITARY FINANCING PROGRAM'') may be made available for assistance for India notwithstanding any other provision of law: *Provided*, That, for the purpose of this section, the term ''assistance'' includes any direct loan, credit, insurance, or guarantee of the Export-Import Bank of the United States or its agents: *Provided further*, That, during fiscal year 2001, section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)(E)) may not apply to India.

Mr. BROWNBACK. Mr. President, I wanted to spend some time discussing what this amendment is about. I think at the outset, the best way to capture it is to compare it to what is taking place in the news today. This is an amendment about lifting economic sanctions on India. The administration has the authority—we provided it last year and the year before—for them to lift the economic sanctions this country has against India. Those sanctions were automatically put in place after India tested nuclear weapons. We have been providing them the authority and flexibility to be able to deal with India broadly. The administration was provided that waiver authority last year and it has chosen not to use it. So currently this country, the United States of America, has economic sanctions against India, another democracy in the world.

In today's newspaper, the administration is stating they will lift economic sanctions against North Korea. This is the country that has the most weapons proliferation taking place anywhere in the world, proliferation of weapons of mass destruction. It is a country on the terrorist list. It is on the big 7 terrorist list of state sponsors of terrorism. This is the country that has a number of different violations, a country where we have been at war.

There have been some different things taking place in North Korea. I am not saying I am opposed to the administration doing this. I am just saying it is quite odd, and very striking, that at the time the administration is proposing to lift economic sanctions, they continue to insist on economic sanctions against India, the second most populous nation in the world, soon to be the most populous nation in the world; a nation we trade with, a nation that is a democracy, a nation that has a free press, a nation that I think, in the future, stands to be a very strong strategic critical ally of the United States. That is India. They will be a partner of ours, working to hold stability in south Asia. Not that they don't have problems, not that we don't have issues associated with that, but this is a democracy with a free press, with capital markets, that has a number of similar aspirations to those of the United States. At the same time we are lifting economic sanctions against North Korea, this administration is going to leave them on India.

My amendment is simple. It would suspend economic sanctions against India—suspend them. While we provided the administration with the waiver authority so they could do it, they have chosen not to. By this amendment, we, the Congress, would be lifting these economic sanctions against India.

I want to say as well what this amendment does not do. My amendment does not suspend any military or dual-use technology assistance to India. The President has national security waiver authority for military-related sanctions, but we are not dealing with military-related sanctions. He has authority to waive the prohibition on sales of defense articles, but we are not doing that here. We are not dealing with defense services, foreign military financing, or dual-use technologies.

If the administration really wants to get to the Comprehensive Test Ban Treaty with India and say we want to force you to sign the CTBT, wouldn't it be better to use the military set of sanctions rather than economic sanctions that the administration is currently using? Plus, if you think about this for a moment, is it likely we are going to force India, by economic sanctions, to sign CTBT? They are a democracy. How will their people react if their leaders are seen as capitulating to U.S. economic pressure to sign something their leaders are saying they needed to do? Is that a way we are actually going to be able to force India to do this? I think not.

Plus, this is a much bigger country with much broader issues than simply the U.S. issue of CTBT. We have a broad array of issues with India. We need to grow this relationship rapidly. To hold the entire relationship hostage to one issue is bad foreign policy on our part. It is hurting us. I think it will hurt India and hurt our ability to shape things in that part of the world.

I was hopeful that during the President's recent trip to India, he would use that chance to remove the economic sanctions on India. He was there for a number of days and had the opportunity to do that. It would help set up the atmosphere for a more aggressive, broad-based relationship with India. This was a way to leapfrog this relationship forward. This trip did improve relations with India, but he could have done so much more that he failed to do. A number of us were terribly disappointed that he did not make more use of the broad waiver authority he now has. He used it very sparingly. This was waiver authority that I fought last year to give him.

There should be no more economic sanctions on India, period. The United States should not do that. Yet the Clinton-Gore administration continues to hold up international financial institution loans which are destined for infrastructure projects which would help sustain the economic activities in rural areas where the bulk of India's poor population lives. More than a third of India's population lives in poverty today. U.S. opposition to development loans to India impedes the growth of vital infrastructure, employment, and living standards in the poorest parts of India. That is not the way to improve U.S.-India relations. These loans are being held up by the administration until India signs the CTBT.

The President of the United States has more appropriate carrots, as I mentioned at the outset, particularly in the noneconomic area, and particularly those associated with military functions, which could be used rather than these sanctions which hit the poorest people in India. Nuclear proliferation is a vitally important issue, but it should not be the only issue on which we deal with a country such as India, the largest democracy in the world.

This is all the more outrageous in view of the news I mentioned about lifting the economic sanctions on North Korea, a country which is run by one of the world's most notorious dictators, a country on the state sponsorship of terrorism list, as I mentioned, a country developing nuclear weapons and which is a direct threat to the United States and our east Asian allies.

Think about this for a moment. We are considering right now putting up a missile defense system, putting it in Alaska, and part of the reason is because of what we are fearing from North Korea. Yet we are going to lift economic sanctions there, but we are not going to do it against India? The contrast here is outrageous.

There are even recent newspapers reports out that I want to submit for the RECORD about the development of nuclear material. This was in a newspaper in Japan, about North Korea's secret underground facility producing uranium for use in its weapons programs. These are weapons programs. They are the largest proliferator around the world.

I ask unanimous consent to have this document printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Tokyo Sankei Shimbun, June 9, 2000]

SANKEI SHIMBUN: DPRK SECRET UNDERGROUND FACILITY PRODUCING URANIUM

(By Katsuhior Kuroda)

SEOUL, 8 June.—North Korea has reportedly utilized natural uranium produced in the country as raw material for its nuclear weapons development program. Meanwhile, Sankei Shimbun has obtained a detailed report on North Korea's secret underground plant for refining natural uranium and its material production procedures. The secret underground plant is widely called ''Mt. Chonma Power Plant,'' located at Mt. Chonma in North Phyongan Province. North Korea has operated the plant in secret since the end of 1989 for uranium production for the nuclear weapons program, the report said.

EX-MILITARY OFFICIAL WHO FLED TO CHINA UNVEILS EXISTENCE OF PLANT

The report was drawn up based on statements made by North Korean military official Yi Chun-song [name as transliterated], 66, during interrogation by Chinese authorities. Yi is former vice director of the operation bureau of North Korean Ministry of People's Armed Forces who served as commander in chief at a missile station. He fled from North Korea to China last year and was held in Chinese authorities' custody.

The report said that the ''Mt. Chonma facility'' has a uranium refining capacity of 1.3 grams a day. By simple calculation, the production during the past 10 years of operation would amount to approximately 5 kg. Concerning North Korea's uranium production plants, there are some unconfirmed information including plants in Pakchon and Pyonsan, but this is the first time that an accurate location and details of the inside of the facility were unveiled.

According to the report, the ''Mt. Chonma facility'' is built in a large tunnel under the 1,116-meter mountain. Soldiers of the 2d Division of the Engineering Bureau of the Ministry of People's Armed Forces started constructing the facility in 1984 and completed the work in 1986. The uranium-producing operations started in 1989.

Approximately 400 people, including 35 engineers and 100 managers, are working at the plant. The rest are physical laborers who were all political prisoners sentenced to life in prison. The uranium minerals are brought into the facility from mines in Songchon, South Phyongan Province, and Sohung, North Hwanghae Province, by the transportation unit of the Ministry of People's Armed Forces.

The report said that the arched entrance of the tunnel is 7 meters wide and 6 meters high. A pathway of about 2.5 km is connected to the entrance, and there is a corner at the end of the pathway. Making a 90-degree right turn and going along the path about 1 km, you will find a 6-km-long main tunnel with a width of 15 meters and height of 6 meters. The inside surface of the tunnels is covered by aluminum plates, and there are 3-meter-wide drains and ventilation openings there.

The underground plant is comprised of 10 areas—two concentration grounds measuring 3,000 square meters each, a drying room of 400 square meters, four 400 square-meter-wide dissolution rooms for uranium extraction and refining, a room for packing uranium into containers, storage for the finished products, and a room where the workers change into anti-radiation suit or take breaks.

The report said there is a waste disposal facility in the plant in addition to the areas mentioned above. The packed uranium products are carried out of the facility through a passage at the end of the tunnel and transported to an underground storage area in Anju by helicopter. The report added that although forests in the Kumchangri area, 30 km southeast of Chonma, were polluted by water discharged from the Chonma facility, the United States could not detect the Chonma plant despite the technical team's inspections in Kumchangri.

According to Yi's career record attached to the report, Yi graduated from P'yongyang University of Technology, and studied at Frunze (now Bishkek) military university of the former USSR from 1958 to 1962. A South Korean source said that Yi attempted to defect to a third country after fleeing to China, but it is highly likely that he was sent back to North Korea by Chinese authorities.

Mr. BROWNBACK. The U.S. has real, legitimate political and economic security interests with India. We need to engage India on all levels as soon as possible. In fact, seizing the opportunity we have to build greater ties should be one of our main foreign policy goals. That is one that is not taking place. We are, after all, the two most populous democratic nations in the world. Our relationship should be based on shared values and institutions, economic collaboration including enhanced trade and investment, and the goal of regional stability across Asia.

I ask the President and other Members to take into consideration how we treat India versus China as well. In China, we are on a very aggressive relationship economically. We will be considering later in this body normalizing permanent trade relations with China. We are saying we need to be engaged with them on a number of different issues. With India we then say no, we are going to put economic sanctions against you, whereas with China we are trying to open up. And China is the one that has missiles pointed this way, that threatens Taiwan, that has weapons proliferation. Religious persecution itself takes place on that continent. I myself have visited with Buddhists who have fled out of Tibet into Katmandu, a number of them walking over the Himalayas in the wintertime to get to freedom. Yet look at how we treat China. We are going to do everything favorable for China, but for India we are going to put on economic sanctions. The contrast is stark.

Again, as a major foreign policy objective, we should be looking to India over the next several years to build up this strategic relationship in some respects as an offset to China and what China is doing in South Asia and what China is aspiring to around the world.

I do not think anybody is sanguine about where China is heading today. We are going to need partners, and India is a key one for us to look at. It is tough for us to convince them of that if we are going to leave economic sanctions on them. One of the ways to reduce our dependency on China economically is to lift economic sanctions on India and try to build up that relationship even more.

These are the key reasons that I put forward this amendment. The differences are so stark as to how we treat China and North Korea versus India. Ask yourself why. I fail to see the reasons for this policy of seeking to reward China, a country that has openly and continually challenged United States interests and values, while at the same time ignoring and punishing India.

As the example of North Korea which I mentioned earlier, the inequity of this situation is striking. Why reward a country that is aggressively working against everything for which we stand and, at the same time, punish and blackmail a country with which we share basic values and interests?

We should be engaging India as the strategic partner it can become. To do so, we should not be maintaining economic sanctions which serve only to impede the development of this relationship. Maintaining economic sanctions on India which affect the poorest parts of the country is not the way to go about this.

The Prime Minister of India, I understand, will be in Washington this fall. I believe it is incumbent upon us to lift these sanctions, and if the administration will not do it, which they have shown to date they will not, then we should.

AMENDMENT NO. 3493 WITHDRAWN

Mr. BROWNBACK. Mr. President, I understand there is a rule XVI problem with the amendment I have put forward. While I would dearly want to have a vote on the amendment on this bill, I understand it will be a problem.

Therefore, reluctantly and regrettably, because I do think this body should take up this issue, I withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. BROWNBACK. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Kansas for his remarks, to which I listened carefully. He made a number of very important points.

## MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

## ACKNOWLEDGMENT OF SENATOR ENZI'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today I have the pleasure to announce that

Senator MIKE ENZI, of Wyoming, has earned his second Golden Gavel award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the Golden Gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

Senator ENZI is not only the first in his class to earn the Golden Gavel award, but has time and time again offered his services to preside during late night sessions, on short notice, or when a great understanding of parliamentary procedure is needed.

On behalf of the Senate, I extend our sincere appreciation to Senator ENZI for his efforts and commitment to presiding during the 106th Congress.

## COMMENDING DAVID REDLINGER AND THE NATIONAL PEACE ESSAY CONTEST

Mr. DASCHLE. Mr. President, when I was in high school, there was a great deal of discussion in the Senate and across the country about our country's role in preserving and promoting world peace. With the end of the cold war, the focus of that debate has changed dramatically. The arms race with the Soviet Union and the threat of communism spreading in Europe are, thankfully, a part of our history. The challenge of promoting peace, however, is as relevant today as it was at the height of the Cuban Missile Crisis.

From Northern Ireland to the Middle East; from Africa to Asia, too many innocent lives are destroyed by war and violence. We must be creative in developing and adapting strategies for peace. Thankfully, there are young people from across the country who have given thoughtful consideration to how to create and sustain peace in the world. The National Peace Essay Contest recognizes high school students who have articulated a commitment to peace, and I am pleased to have the opportunity to recognize one of those young people.

Tomorrow, I will meet with David Redlinger of Watertown, South Dakota who is this year's South Dakota winner of the National Peace Essay Contest. David's essay on Tajikistan and Sudan is eloquent, and demonstrates his commitment to the fight for peace in the world. I would like to congratulate David, and I ask that his essay be inserted into the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

COMMITMENT TO PEACE FOR THE 21ST CENTURY

(By David J. Redlinger)

In 1991, statues crumbled along with the tyrannical governments that erected these symbols of the Cold War. As chaos manifested the potential for instability became a reality. The United States then felt obligated to help to mold new democracies and promote regional security for these new nations. As globalization and the interdependency of nation takes priority, cooperation must be used as the guiding principle for the foreign policy of nations, in the benefit of both security and democracy. Unfortunately, self-interest is the dominating determinate in the formulation of foreign policy which leads to hypocritical and paradoxical policies toward other nations. In 1991, the United States was faced with injustices in Tajikistan and Sudan stemming from the polarization of the work and the lack of cooperation amongst nations. The changing nature of conflicts toward regionalism, coupled with the United States' domestic pressures to create foreign policy for the sole benefit of America, led to perpetuated inaction that has threatened both regional security and the promotion of democracy, supposedly the cornerstone to United States' foreign policy. More than just symbols of communism's bygone era crumbled in 1991; the foundation of foreign policy for the leader of the free world was also denigrated.

Regional instability pervades attempts to form legitimate governments. Tajikistan is juxtaposed with the extremely unstable areas of Afghanistan, Pakistan, China, and the other former Soviet Republics. Daniel Pipes wrote, ''Peace and stability in the region depend in large part on Afghanistan, and its future will be determined by developments in Tajikistan.'' The fragile balance of power that has existed in the region could easily be upset. With new nuclear powers, such as Afghanistan, Pakistan, and China, it is necessary that the United States form policies that would help mitigate proliferation and support regional security.

Barnett R. Rubin, Director of the Center for the Study Central Asia at Columbia University, in testimony stated that, ''. . . structural conditions virtually guaranteed that inevitable disputes over the future of the country would escalate into chaotic and bloody warfare, and that neighboring states would act, sometimes brutally, to protect their own security.'' The inability to solve these quandaries between the national themselves can lead to the destabilization of the region. The United States never took an appropriate stance for the promotion of regional security. Mr. Rubin calls for the integration of Tajikistan into a coalition of Central Asian countries to render stabilization of the region. The United States' policy must direct attention towards this region if peace and stability are to be established. Intervention, not inaction,will best reduce the animosity amongst the countries.

Democratic ideas are also critical to peace. Unfortunately, United States' policy did not help the struggling new democracy of Tajikistan. Davlat Khudonazarov, a Presidential candidate in Tajikistan of 1991 recalls in testimony to congress, ''At political meetings I would talk about America and about American values, about the values of American democracy. It was my hope that these ideas would become a symbol of truth for my people, truth and justice for my people. Unfortunately, we received no help from the outside.'' The leader of the free world did not fulfill its duty in promoting democracy to a country that was asking for it. United States' policy remained selfish and domestically oriented in 1994 and never answered Tajikistan's cries for help.

This inaction led to Tajikistan's thrust into political turmoil, an estimated 500,000 to 600,000 internally displaced people, and left more than 1 million innocent civilians dead. The United States never seized the opportunity for the advancement of democratic ideals in Tajikistan. Furthermore, regional security was compromised because of the absence of meaningful U.S. policies.

Said Akhmedow, Senior Lecturer of Philosophy at Tajik State University and Chairman of the Committee for Religion of the Council of Ministers of Tajikistan, relates the conflict most significantly to both religious and political struggles after the fall of communism. Mr. Akhmedov credits the political differences of the Party of Islamic Renaissance of Tajikistan (PIRT) and the Democratic Party of Tajikistan (DPT) to the social differences between these two groups. Democratic modernists were pitted against the Islamic traditionalists in the fight for control of the country, while inversely the democratic forces did not. The United States neglected to form policies to promote the democratic ideals. Thus, Tajikistan was left to fight for itself without the tools a free society could utilize. America, because of domestic pressures, was unable to promote the democratic ideals Davlat Kludonazarov and other Tajiks has asked for. Therefore, Tajikistan lost its autonomy to the repression of democracy and the destabilization of the region.

Sudan has also been plagued by struggle. The conflict has resulted in a total of 6 million people displaced, over 1 million injured, and the worst famine in the world this century. The war continues because, as according to Francis Deng, a former ambassador from Sudan, it is a ''zero-su?n conflict.'' Lengthy wars cannot reach resolution without significant intervention. The United States has not implemented effective policies that have resulted in the necessary change for the Sudanese people. The universal goals of regional security and the promotion of democracy have been discarded for a conflict which, ''. . . Even by the tortured yardstick of Africa, a continent riven by armed conflict, the scarcely visible war ravaging southern Sudan has surpassed most measures . . . The conflict rates as the continent's most deadly . . .'' The Sudanese People's Liberation Army (SPLA) of the southern part of the country who are generally moderate Muslims have been in conflict with the Northern Islamic Front (NIF), Islamic fundamentalists and seek to have the SPLA assimilate culturally.

In the region, Kenya, Egypt, and Uganda have all felt the effects of the conflict. Kenya has felt the economic impact of refugees, while Egypt has felt a security threat from the Islamic fundamentalists. Uganda on the other hand was politically drawn into the conflict because of President Museveni's support of the SPLA. The security of the region can easily become weakened when all these factors collide. The extension of the civil war outside the borders of Sudan means that a full scale war could easily ignite in the hot desert sand. The United States never intervened with peacekeepers or policies that would marginalize the African conflict. Instead, domestic issues and pressures took precedence, while NGO's were expected to provide humanitarian aid. Conflicts as lengthy as Sudan's war require third party intervention into the root of the conflict, and not simply surface level corrections with humanitarian aid. Clearly, Uganda cannot make effective and fair foreign policy to support Sudan, but the United States, because of its nonpartial status, can provide for the protection of the Sudanese, help to establish fair peace accords, and can objectively examine the situation and formulate policies to best support the goal of regional security.

Most recently the United States formed the wrong agenda which jeopardized its relations with Sudan. As Donald Patterson, the last United States Ambassador to Sudan, wrote, ''The Clinton administration's continuing criticism of Sudan, its call for a cease-fire, and the lead it had taken in the United Nations to bring about the adoption of resolutions condemning Sudan put additional strains on U.S.-Sudanese relations.'' The damage to relations could have easily been avoided if cooperation would have been used. Instead, the policies were formed in the sole interests of the United States.

This is not the most advantageous way to support democratic reforms of emerging nations. Sudan has many Islamic fundamentalists who resist the modernization and liberalization of their country. This is the root cause of the hostility. The country in the mid-1980's was going through a ''transitional'' period where a new constitution was established along with a new government. Political fragmentation between the NIF, SPLA, and others led to a lack of cohesiveness that is necessary for a new government. This allowed for the strengthening of Islamic fundamentalist ideas and the subsequent loss of budding democratic ideals. If the United States had cultivated its relationship with the Sudanese, then the prospects for a true democracy would have had more time to flourish. Both regional security and democratic ideals were compromised because of the United States' lack of legitimate and meaningful foreign policy directed towards Sudan.

In the future, conflicts will continue to be defined by root causes of religious and social differences, but to reduce the animosity amongst these nations, it is imperative that the United States establish policy with the cooperation as the guiding principle. With globalization, only through cooperation can effective policies be created. The post-Soviet world, specifically for Tajikistan and Sudan, has meant difficulty for the formulation of United States' foreign policy. The principle of cooperation was often placed second behind the self-interests of the United States. Future conflicts, similar to Tajikistan and Sudan, deserve the United States' help and cooperation in the rendering of both regional security and the promotion of democracy. Only through these goals will the society of the 21st Century attain true and lasting peace.

BIBLIOGRAPHY

Akhmedov Said. ''Tajikistan II: The Regional Conflict in Confessional and International Context.'' Conflicting Loyalties and the State in the Post-Soviet Russia and Eurasia. Ed. Michael Waller, Alexi Malashenko, and Bruno Coppieters. London: Frank Cass Publications, 1998.

Ali, Nada Mustafa M. ''The Invisible Economy, Survival, and Empowerment: Five Cases from Atbara, Sudan.'' Middle Eastern Women and the Invisible Economy. Ed. Richard A. Lobban, Jr. Gainesville: University Press of Florida, 1998.

Anderson, G. Norman. Sudan In Crisis: The Failure of Democracy. Gainesville: University Press of Florida, 1999.

Atkin, Muriel. ''Thwarted Democratization in Tajikistan.'' Conflict, Cleavage, and Change in Central Asia and the Caucasus. Ed. Karen Dawisha and Bruce Parrot. New York: Cambridge University Press, 1997.

Burr, J. Millard and Robert O. Collins. Requiem for the Sudan: War, Drought and Disaster Relief on the Nile. Boulder: Westview Press, 1995.

Gretsky, Sergei, ''Russia and Tajikistan.'' Regional Power Rivalries in the New Eurasia, Russia, Turkey, and Iran. Ed. Alvin Z. Rubinstein, Oles M. Smolansky and M.E. Sharp. New York: Armonk, 1995.

Howd, Aimee. ''The Other Genocidal War.'' Insight 10 May 1999; 45–47.

Keith, Linda Camp. ''The United Nations International Covenant on Civil and Political Rights: Does it Make a Difference in Human Rights Behavior.'' Journal of Peace Research, 36.1 (1999): 95–113.

Lesch, Ann Mosely. The Sudan—Contested National Identities. Bloomington: Indiana University Press, 1998.

—''Sudan: The Torn Country.'' Current History. May 1999; 218–222.

Parmelee, Jennifer. ''Sudan's Hidden Disaster.'' Washington Post 28 Jan. 1994. Lexis-Nexis. Online 7 Jan. 2000.

Patterson, Donald. Inside Sudan: Political Islam, Conflict, and Catastrophe. Boulder Westview Press, 1999.

Pipes, Daniel. ''The Event of Our Era: Former Soviet Muslim Republics Change the Middle East.'' Central Asia and the World: Kazakhstan, Uzbekistan, Tajikistan, Kyrgyzstan, and Turkmenistan. Ed. Michael Mandelbaum. New York: Council on Foreign Relations Press, 1994.

Shalita, Nicholas. The Sudan Conflict (1983– ).'' The True Cost of Conflict; Seven Recent Wars and Their Effects on Society. Ed. Michael Cranna. New York: The Free Press, 1994.

Sidahmed, Abdel Salam. Politics and Islam in Contemporary Sudan. New York: St. Martin's Press, 1990.

United States. Cong. House, Subcommittee on Europe and the Middle East of the Committee of Foreign Affairs. Developments in Tajikistan. 103rd Cong. 2nd sess. Washington: GPO, 1994.

## REMEMBERING KOREAN WAR VETERANS

Mr. DASCHLE. Mr. President, this weekend we will commemorate an important day in American history. June 25th, the 50th anniversary of the start of the Korean War, will provide all Americans the opportunity to pause and remember the men and women who fought and died in the Korean War.

Some historians refer to the Korean War as the ''forgotten war.'' Perhaps the reason the Korean War has receded in our memories is because it was unlike either the war that preceded it or the war that followed it. Rationing brought World War II into every American home. And television brought the Vietnam War into every home with unforgettable images and daily updates.

But Korea was different. Except for those who actually fought there, Korea was a distant land and eventually, a distant memory. Today, as we remember those who served in Korea, it is fitting that we remember what happened in Korea, and why we fought there.

The wall of the Korean War Veterans Memorial in Washington, DC, bears an inscription that reads, ''Freedom is not free.'' And in the case of South Korea, the price of repelling communist aggression and preserving freedom was very high indeed. Nearly one-and-a-half million Americans fought to prevent the spread of communism into South Korea. It was the bloodiest armed conflict in which our nation has ever engaged. In three years, 54,246 Americans died in Korea—nearly as many as were killed during the 15 years of the Vietnam War.

The nobility of their sacrifice is now recorded for all of history in the Korean War Veterans Memorial. As you walk through the memorial and look into the faces of the 19 soldier-statues, you can feel the danger surrounding them. But you can also feel the courage with which our troops confronted that danger. It is a fitting tribute, indeed, to the sacrifices of those who fought and died in Korea.

But there is also another tribute half a world away. And that is democracy in the Republic of South Korea. Over the last five decades, the special relationship between our two nations that was forged in war has grown into a genuine partnership. Our two nations are more prosperous, and the world is safer, because of it.

The historic summit in North Korea earlier this month offers new hope for a reduction in tensions and enhanced stability in the region. We can dream of a day when Korea is unified under a democratic government and freedom is allowed to thrive.

As we continue to move forward, however, we pause today to remember how the free world won an important battle in the struggle against communism in South Korea. Let us not forget that it is the responsibility of all those who value freedom to remember that struggle and to honor those who fought it. The enormous sacrifices they made for our country should never be forgotten.

## SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for continuing disability reviews (CDRs) and adoption assistance.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

| | Budget authority | Outlays |
|---|---|---|
| Current Allocation: | | |
| General purpose discretionary | $541,095 | $547,279 |
| Highways | ..... | 26,920 |
| Mass transit | ..... | 4,639 |
| Mandatory | 327,787 | 310,215 |
| Total | 868,882 | 889,053 |
| Adjustments | | |
| General purpose discretionary | +470 | +408 |

[Dollars in millions]

| | Budget authority | Outlays |
|---|---|---|
| Highways | ..... | ..... |
| Mass transit | ..... | ..... |
| Mandatory | ..... | ..... |
| Total | +470 | +408 |
| Revised Allocation: | | |
| General purpose discretionary | 541,565 | 547,687 |
| Highways | ..... | 26,920 |
| Mass transit | ..... | 4,639 |
| Mandatory | 327,787 | 310,215 |
| Total | 869,352 | 889,461 |

[Dollars in millions]

| | Budget authority | Outlays | Surplus |
|---|---|---|---|
| Current Allocation: Budget Resolution | $1,467,200 | $1,446,000 | $57,200 |
| Adjustments: CDRs and adoption assistance | +470 | +408 | −408 |
| Revised Allocation: Budget Resolution | 1,467,670 | 1,446,408 | 56,792 |

## IN SUPPORT OF UNDERGROUND PARKING FACILITIES

Mr. MOYNIHAN. Mr. President, today on the East Front of the Capitol ground is being broken for the new Capitol Visitor Center, a project that will take at least five years and hundreds of millions of dollars to complete. Nearly a century ago, in March 1901, the Senate Committee on the District of Columbia embarked on another project. The Committee was directed by Senate Resolution 139 to ''report to the Senate plans for the development and improvement of the entire park system of the District of Columbia * * *. (F)or the purpose of preparing such plans the committee * * * may secure the services of such experts as may be necessary for a proper consideration of the subject.''

And secure ''such experts'' the committee did. The Committee formed what came to be known as the McMillan Commission, named for committee chairman, Senator James McMillan of Michigan. The Commission's membership was a ''who's who'' of late 19th and early 20th-century architecture, landscape design, and art: Daniel Burnham, Frederick Law Olmsted, Jr., Charles F. McKim, and Augustus St. Gaudens. The commission traveled that summer to Rome, Venice, Vienna, Budapest, Paris, and London, studying the landscapes, architecture, and public spaces of the grandest cities in the world. The McMillan Commission returned and, building on the plan of French Engineer Pierre Charles L'Enfant, fashioned the city of Washington as we now know it.

We are particularly indebted today for the commission's preservation of the Mall. When the members left for Europe, the Congress had just given the Pennsylvania Railroad a 400-foot wide swath of the Mall for a new station and trackage. It is hard to imagine our city without the uninterrupted stretch of greenery from the Capitol to the Washington Monument, but such would have been the result. Fortunately, when in London, Daniel Burnham was able to convince Pennsylvania Railroad president Cassatt that a site on Massachusetts Avenue would provide a much grander entrance to the city. President Cassatt assented and Daniel Burnham gave us Union Station.

But the focus of the Commission's work was the District's park system. The Commission noted in its report:

> Aside from the pleasure and the positive benefits to health that the people derive from public parks, in a capital city like Washington there is a distinct use of public spaces as the indispensable means of giving dignity to Government buildings and of making suitable connections between the great departments . . . (V)istas and axes; sites for monuments and museums; parks and pleasure gardens; fountains and canals; in a word all that goes to make a city a magnificent and consistent work of art were regarded as essential in the plans made by L'Enfant under the direction of the first President and his Secretary of State.
>
> Washington and Jefferson might be disappointed at the affliction now imposed on much of the Capitol Grounds by the automobile.

At the foot of Pennsylvania Avenue is a scar of angle-parked cars, in parking spaces made available temporarily during construction of the Thurgood Marshall Federal Judiciary Building. Once completed, spaces in the building's garage would be made available to Senate employees and Pennsylvania Avenue would be restored. Not so. Despite the ready and convenient availability of the city's Metrorail system, an extraordinary number of Capitol Hill employees drive to work. The demand for spaces has simply risen to meet the available supply, and the unit block of the Nation's main street remains a disaster.

During the 103rd Congress and thereafter I proposed the ''Arc of Park,'' legislation that would almost completely eliminate surface parking. Under my proposal the Architect of the Capitol would be instructed to eliminate the unsightly lots, and reconstruct them as public parks, landscaped in the fashion of the Capitol Grounds. A key element of my proposal was that—to the extent we continue to offer it—parking must be put underground. I rise today to emphasize the need for us to remain focused—as we break ground for the Visitor's Center—on a project currently being designed: an underground parking structure.

One year ago the Architect of the Capitol received approval from Chairman MCCONNELL of the Rules Committee to proceed with preliminary design for an underground garage to be located on Square 724, which is just North of the Dirksen and Hart buildings. Upon completion it will replace the existing lot of surpassing ugliness. By getting cars off the streets and underground it will bring us nearer to the pedestrian walkways and parks McMillan—and before him L'Enfant—envisioned.

The final garage will include three levels with capacity for 1210 parking spaces. The 1981 report on the Master Plan identified Square 724 as the site for a future Senate office building. Thus the garage will be designed and constructed to accommodate an eight story office building on top of it, should the need for such building ever arise. The current plan, however, would be to top the garage with a simply landscaped plaza. Upon approving advancement with the design of the new structure, Chairman MCCONNELL stated that, ''Square 724 appears to offer the most cost-effective opportunity for phased growth of Senate garage parking within the Capitol Complex.'' I understand that this time next year, after I have left this Body, the Architect of the Capitol will ask Congress to appropriate the funds needed to actually build Phase I of the garage, which will accommodate 500 cars. And then funding will be crucial—with the Russell garage in dire need of renovation and the Capitol Visitor Center expected to displace some parking. I urge you to support the Architect in his request.

Today, as we break ground on a new project, one that will nearly double the size of the Capitol, let us not forget the grand vision of the McMillan Commission from a century ago. Washington is the capital of the most powerful nation on earth, and deserves to look it.

## THE F.I.R.E. ACT

Mr. BURNS. Mr. President, I rise today to bring attention to America's local fire fighters who put their lives on the line every day protecting the lives and property of their fellow citizens. When the call comes in, they answer without question or hesitation. Unfortunately, local and volunteer fire departments are in dire need of financial support. The health and safety of fire fighters and the public is jeopardized because many departments cannot afford to purchase protective gear and equipment, provide adequate training, and are short staffed. It is time for Congress to lend them a helping hand.

That is why I have cosponsored a bill in the Senate called the Firefighter Investment and Response Enhancement or FIRE Act. This bill, S. 1941, authorizes a program granting up to one billion dollars for local fire departments across our great country. The money would be available to volunteer, combination, and paid departments. It would help pay for much needed equipment, training, EMS expenses, apparatus and arson prevention efforts and a variety of education programs.

Wildfires across America and Montana are a growing threat. The FIRE Act is especially critical for rural states such as Montana as we rely heavily upon our volunteer firefighters

to protect those things we hold dear. Quite often these volunteer departments are the only line of defense in these rural communities. It's time we provide them with the needed funds for proper training and equipment to better protect their communities.

I offer my sincere gratitude to our Nation's fire fighters who put their lives on the line every day to protect the property and safety of their neighbors. They too deserve a helping hand in their time of need.

I commend Senators DODD and DEWINE for introducing this important legislation, and urge all my colleagues who have not done so to sign onto this bill. I would like to encourage the Committee to hold hearings on S. 1941 and suggest that we continue to move this bill forward toward ultimate passage.

Thank you Mr. President, I yield the floor.

## GUN VICTIMS OF TUESDAY, JUNE 20, 1999

Mr. LAUTENBERG. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

These names come from a report prepared by the United States Conference of Mayors. The report includes data on firearm deaths from 100 U.S. cities between April 20, 1999 and March 20, 2000. The 100 cities covered range in size from Chicago, Illinois, which has a population of more than 2.7 million to Bedford Heights, Ohio, with a population of about 11,800.

But the list does not include gun deaths from some major cities like New York and Los Angeles.

The following are the names of some of the people who were killed by gunfire one year ago today—on June 20, 1999:

Ed Barron, 20, St. Louis, Missouri, Wayne Burton, 21, Baltimore, Maryland, Nigal H. Cox, 27, Houston, Texas, Jermaine Davis, 39, Philadelphia, Pennsylvania, Myron Frenney, 22, Houston, Texas, Jose N. Garcia, 18, Chicago, Illinois, Agustin B. Gonzalez, 21, Houston, Texas, Fernando Gonzalez-Cenkeros, 35, Tulsa, Oklahoma, Jovel D. Gwinn, 22, Kansas City, Missouri, Roshon Hollinger, 5, Atlanta, Georgia, Antwaune Johnson, 29, Denver, Colorado, Edward Johnson, 36, Philadelphia, Pennsylvania, Loris Larson, 35, St. Louis, Missouri, Robert Mirabela, 20, Chicago, Illinois, Frederick Rathers, 16, Memphis, Tennessee, Coartney Robinson, 20, Dallas, Texas, Arnold Webb, 30, Detroit, Michigan.

In the name of those who died, we will continue the fight to pass gun safety measures.

I yield the floor.

## ARREST OF VLADIMIR GUSINSKY IN RUSSIA

Mr. LIEBERMAN. Mr. President, I rise today to express my deep concern about the recent arrest in Russia of Vladimir Gusinsky and its negative impact on press freedom and democracy under the leadership of President Putin.

Mr. Gusinsky runs Media Most, a major conglomerate of Russian media organizations, including NTV, Russia's only television network not under state control. Media Most is a relatively independent force in Russian news reporting, and its outlets have offered hard-hitting, often critical accounts of Russia's brutal campaign in Chechnya, as well as reports on alleged Government corruption. Besides being an important media and business executive, Mr. Gusinsky is a also a leading figure in the Russian Jewish community, serving as President of the Russian Jewish Congress.

On May 11, just days after President Putin's inauguration, Russian federal agents in a major show of force raided several of Media Most's corporate offices, raising immediate concerns about the direction of press freedom in the new government. These concerns intensified on Tuesday June 13 when a Russian prosecutor called Mr. Gusinsky in for questioning, and then arrested him on suspicion of embezzling millions of dollars worth of federal property. On June 16, Mr. Gusinsky was released from prison after the prosecutor formally charged him with embezzlement.

It is very difficult for anyone to address fully the specifics of such charges, and the Russian government's case against Mr. Gusinsky, when so little information has been made available by the Russian government. However, the circumstances of the case raise serious concerns about the initial direction of press freedom and democracy under President Putin. As one of the opening acts of the new Administration, the government chose to carry out a heavy-handed, much publicized raid on an organization led by high profile Government critic. It chose to arrest the leader of an organization, Media Most, that is one of the few outlets of independent news about controversial Russian government policies. The fact that this arrest took place while President Putin was traveling abroad, and that he publicly speculated that the arrest might have been excessive, serves to make the situation and the Government's policy even more confusing and unsettling. Moreover, this case in not occurring in a vacuum. After President Putin's election, but before his inauguration, there were disturbing signs of government hostility toward Radio Free Europe/Radio Liberty, evident in the harassment of RFE/RL correspondent Andrei Babitsky.

I am encouraged to see that prominent Russians have been speaking out about the arrest of Mr. Gusinsky, and that our Government is signaling its concern too. I echo the New York Times editorial on June 15 that this is ''A Chilling Prosecution in Moscow.'' I would ask unanimous consent that this piece, as well as similar editorials from the June 15 editions of the Washington Post and the Wall Street Journal, be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, June 15, 2000]

A CHILLING PROSECUTION IN MOSCOW

While President Vladimir Putin is traveling through Europe this week extolling the virtues of Russian democracy, his colleagues in the Kremlin have been acting like Stalinists. The arrest and detention of Vladimir Gusinsky, the owner of media properties that have carried critical coverage of the government, is an assault against the principle of a free press. Whatever the merits of the alleged embezzlement case against Mr. Gusinsky, there was no need to haul him off to prison, an action that cannot help but stir fear in a nation all too familiar with the arbitrary exercise of state power.

If the rule of law prevailed in Russia, and Mr. Gusinsky could count on a presumption of innocence, quick release on bail and a fair trial, his arrest might seem less ominous. But Russia lacks a fully independent judicial system, and the government still uses criminal prosecution as a political weapon. He is charged with embezzling at least $10 million in federal property, apparently involving his purchase of a state-owned television station in St. Petersburg. He says the accusations are false.

There is a stench of political retaliation about this case. Mr. Gusinsky's company, Media-Most, owns numerous newspapers and magazines as well as Russia's only independent television network. Their coverage of the war in Chechnya has been aggressive and skeptical, and they have not been hesitant to investigate government corruption and other misconduct. Last month heavily armed federal agents raided the Media-Most office in Moscow, the first signal that the Kremlin might be trying to intimidate Mr. Gusinsky.

Mr. Putin seemed surprised by the arrest, calling it ''a dubious present'' when he arrived in Madrid on Tuesday. That offers little comfort to anyone concerned about Russia's fragile freedoms. If the arrest was meant to embarrass Mr. Putin while he is visiting Western Europe, it is disturbing evidence of palace intrigue and political instability in the Kremlin. If Mr. Putin received advance notification about the arrest and failed to order the use of less draconian tactics, he has done a disservice to the press freedoms he says he supports.

[From the Washington Post, June 15, 2000]

MR. PUTIN SHOWS HIS KGB FACE

The most recent defining act of Russia's new president, Vladimir Putin, is more Soviet than democratic. In an apparent effort

to intimidate the press, Mr. Putin has engaged in police-state tactics so crude that even his severest critics seem stunned. For those who wonder whether Mr. Putin's Russia will move toward joining civilized Europe, and whether it will nurture the legal protections that could attract investment and encourage prosperity, the latest news is ominous.

On Tuesday Mr. Putin's prosecutors summoned Russia's leading media tycoon, ostensibly simply to answer some questions about an ongoing case. When Vladimir Gusinsky appeared, without lawyers, the government threw him into the Moscow hellhole known as Butyrka Prison. He remains there, though he has not yet been formally charged with any crime.

The case has significance beyond the rights of any one person. Mr. Gusinsky heads a media company that owns the only Russian television network not under Kremlin control. The company also owns a radio station and publishes a daily newspaper and a weekly magazine (the last in partnership with Newsweek, which is owned by The Washington Post Co.). All of these properties have challenged official orthodoxy by reporting an official corruption and on Mr. Putin's savage war in Chechnya. The arrest will be seen, and no doubt was intended, as an attempt to silence President Putin's critics. ''There is a pattern here, and we have seen it for some time,'' U.S. Deputy Secretary of State Strobe Talbott told The Post yesterday. ''It has a look and feel to it that does not resonate rule of law. It resonates muscle; it resonates power; it resonates intimidation.''

Some Russian officials have presented the arrest as a normal, even commendable, sign of Mr. Putin's determination to fight corruption and establish a ''rule of law.'' Mr. Gusinsky is one of a band of Russian businessmen who became wealthy after the Soviet Union's dissolution in 1991 in part by exploiting close ties to those in power. Whether a plausible case can be made against Mr. Gusinsky or any of the other oligarchs is something we cannot judge. But that Mr. Putin's government should choose as its first target the only businessman who has dared challenge Mr. Putin (and by far not the wealthiest of the oligarchs) shows that this affair is not about the rule of law.

Mr. Putin's KGB background is widely known, but when he ascended to power, many analysts expected him to wield power with some subtlety. The audacity of the government's assault is almost as stunning as the assault itself. The arrest is a slap at President Clinton, who recently in Moscow urged Mr. Putin to respect freedom of the press and who chose to speak on Mr. Gusinsky's radio station. With how much spine will Mr. Clinton and other Western leaders who have been even more eager to embrace Mr. Putin, such as Britain's Tony Blair, now respond? Many Russians will be watching.

---

[From the Wall Street Journal, June 15, 2000]

PUTIN V. GUSINSKY

The arrest Tuesday of mogul Vladimir Gusinsky is either the first salvo in a Kremlin war against rent-seeking oligarchs or a return to the Soviet-era practice of taking political prisoners. It was either carried out with the knowledge of the Russian President, or (as he says) it was done behind his back while he is on a foreign trip. However you serve it, it doesn't look good.

Mr. Gusinsky may fit the stereotype of a Russian oligarch, but his arrest is significant because his Media-Most group includes Russia's only independent national television channel, NTV. While state television in Russia often has all the objectivity of a broadcast in Castro's Cuba. NTV is regarded as relatively objective in its news coverage. In commentary, however, NTV and other Media-Most holdings have been fiercely critical of the Kremlin, President Putlin and the war in Chechnya, which remains his main policy achievement to date. For this reason, any campaign against Media-Most, wittingly or not, sends a chill throughout Russia's free press.

The allegations against Mr. Gusinsky are unclear. A statement said he is accused of embezzling $10 million from the state, though no details were given. Even taking the explanation of embezzlement at face value, one is left with the question of just what is the Kremlin's agenda. After all, as the chief of the oligarchs and Gusinsky rival Boris Berezovsky noted. ''There is no doubt that any person who did business in Russia over the last 10 years broke the law, directly or indirectly in part because of the contradictory nature of Russia law.'' Mr. Berezovsky may be thinking, there but for the grace of the Kremlin go I, but he has a point.

The lack of precise laws and enforcement and the ease with which insider contacts could be parlayed into millions has contributed to the moral turpitude and general disregard for law and fair play in much of the Russian establishment. Now even Boris Yeltsin's daughters are under investigation by Swiss authorities for allegedly running up large credit card bills at the expense of a Swiss company that was awarded lucrative Kremlin building contracts.

In Moscow yesterday, 17 prominent businessmen, including Mr. Berezovsky, wrote an open letter to the prosecutor general, saying Mr. Gusinsky's arrest threatens to destroy confidence in Russian as a place to do business. ''Until yesterday we believed we live in a democratic country.'' they wrote. ''Today we have serious doubts about that.''

If Mr. Putin really want to tackle corruption, he may have to put the worst offenders in jail. But more important, he will have to overhaul the Russian legal system and its enforcement mechanisms and reduce the bureaucracy and regulation that give rise to so much graft and make government more transparent. Since most successful or powerful people in Russia have something to hide. It is not hard for the Kremlin to wield the ''law'' as a political weapon to badger its enemies. But that's not cracking down on corruption; that's just cracking down.

---

[From the Financial Times, June 15, 2000]

PUTIN'S PRESSURE

A move by Vladimir Putin, Russia's new president, to clip the wings of his country's formidable business barons was widely anticipated. If he is going to reassert the power of the state over the financial oligarchs who usurped much of its authority during the Kremlin rule of Boris Yeltsin, that is necessary. But the decision to arrest Vladimir Gusinsky, the media tycoon, raises a number of questions.

He is neither one of the most powerful nor one of the most notorious of that group. His real claim to fame is that his Media-Most group owns the television station NTV and Sevodnya newspaper among others—outspoken critics of Mr. Putin's government. In particular, they have questioned the conduct of the war in Chechnya. They have undoubtedly reflected the inclinations of their owner but they have also been healthily outspoken. In so doing, they have been helping ensure that the press acts as a critic of government—an essential element in Russia's slow progress towards democracy.

Mr. Gusinsky now appears to be paying the price. Although his arrest is ostensibly on suspicion of fraud and the illegal acquisition of state property worth $10m, the action follows a particularly heavy-handed raid by security police, armed to the teeth and wearing balaclava helmets, on his headquarters—all suggesting a deliberate campaign of intimidation. Other actions by Mr. Putin's administration indicate a similarly harsh attitude to any sign of media opposition. The TV station controlled by Yuri Luzhkov, Moscow's mayor, is having to fight in the courts to renew its license. The registration system for new publications has been greatly tightened.

The president does not appear to be a believer in glasnost, the openness introduced by Mikhail Gorbachev into the Russian media. More than any other reform, that probably guaranteed the end of Communist rule and the Soviet Union. By allowing exposure of the iniquities, incompetence and corruption of the previous regime, glasnost ensured there was no going back. By definition, however, glasnost was inimical to the old KGB security service—Mr. Putin's secretive former employer.

President Bill Clinton has already expressed his concern about signs of restrictions on press freedom in Russia. When Gerhard Schroeder, the German chancellor, meets Mr. Putin today, he should do the same, in strong terms. The Russian president has said he knew nothing of Mr. Gusinsky's arrest. He should have done, particularly in view of the widespread protests that followed. An unfettered press is an essential part of a market economy. He has a lot to learn.

## ADDITIONAL STATEMENTS

### WEST VIRGINIA DAY

● Mr. ROCKEFELLER. Mr. President, today we celebrate West Virginia's 137th year as a state. West Virginia joined the Union in the midst of the Civil War when President Lincoln admitted it to the Union as the 35th state on June 20, 1863.

The spirit of pride and determination that gave the first West Virginians the courage to start anew can still be seen in the ever-innovative and evolving ways that West Virginians have adapted to changing economics and culture. This is apparent in the transitions of the coal and steel industries as well as in the increasing cultivation of the tourism industry. However, through the continual change, West Virginians have held a heritage that remains rich in song, craft, and tradition. It is as visible at the State Fair of West Virginia in Lewisburg, the Appalachian Heritage Festival in Shepherdstown, and the Tamarack Arts Center in Beckley as it is at Bob's Grocery in Lindside. The state has an abundance of coal, steel, forests, rivers, and mountains, but her greatest resource has always been her people.

This natural charm of West Virginians is reflected in the scenic treasures that crown the state. Though born

during a time of turmoil, present-day West Virginia is an emblem of peace and tranquility. Ernest W. James captured it perfectly:

There autumn hillsides are bright with scarlet trees;
And in the spring, the robins sing,
While apple blossoms whisper in the breeze
And where the sun draws rainbows in the mist
of waterfalls and mountain rills,
My heart will be always in the West Virginia hills.

So on this, West Virginia's 137th birthday, I am enormously proud to invite my colleagues to join me in recognizing and celebrating this West Virginia Day.●

## ALASKA RECIPIENTS OF PRESIDENTIAL AWARDS FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

● Mr. MURKOWSKI. Mr. President, I have come to the Senate floor today to congratulate three exceptional teachers in Alaska—Douglas Heetderks of Anchorage, Lura Hegg of Palmer, and Gretchen Murphy of Fairbanks. President Clinton named these Alaskans as recipients of the 1999 Presidential Awards for Excellence in Mathematics and Science Teaching. This is our Nation's highest honor for mathematics and science teachers in grades K through 12.

Each year, a national panel of distinguished scientists, mathematicians and educators recommends one elementary and one secondary math teacher and one elementary and one secondary science teacher from each state or territory to receive a presidential award. The 1999 recipients were selected from among 650 finalists.

The Presidential Awards for Excellence in Mathematics and Science Teaching Program is administered by the National Science Foundation (NSF) on behalf of the White House. The program was established in 1983 and is designed to recognize and reward outstanding teachers. In addition to a presidential citation and a trip to Washington, DC, each recipient's school receives a NSF grant of $7,500 to be used under the direction of the teacher, to supplement other resources for improving science or mathematics programs in their school system.

Douglas Heetderks, Lura Hegg and Gretchen Murphy are exceptional and highly dedicated teachers. Douglas Heetderks teaches Elementary Science at Susitna Elementary in Anchorage; Lura Hegg teaches Secondary Science at Colony Middle School in Palmer; and Gretchen Murphy teaches Elementary Math at University Park Elementary School in Fairbanks. In addition to having extensive knowledge of math and science, they have demonstrated an understanding of how students learn and have the ability to engage students, foster curiosity and generate excitement. Mr. Heetderks, Ms. Hegg, and Ms. Murphy have displayed an experimental and innovative attitude in their approach to teaching and are highly respected for their leadership.

Mr. President, our nation's future depends on today's teachers. Currently, 40 percent of America's 4th graders read below the basic level on national reading tests. On international tests, the nation's 12th graders rank last in Advanced Physics compared with students in 18 other countries. And one-third of all incoming college freshmen must enroll in a remedial reading, writing, or mathematics class before taking regular courses.

If we are to turn these dismal statistics around we are going to need more and talented teachers like Mr. Heetderks, Ms. Hegg and Ms. Murphy. I applaud them for their hard work and dedication to our children. They are educating those who will lead this country in creating, developing, and putting to work new ideas and technology.●

## LIEUTENANT GENERAL RONALD B. BLANCK

● Mr. INOUYE. Mr. President, I would like to take a moment to honor Lieutenant General Ronald B. Blanck as he retires from the United States Army after more than thirty-two years of active duty service. For the last four years, General Blanck has served as the United States Army Surgeon General and Commander, U.S. Army Medical Command General. During his tenure, he had significant oversight of eight Department of Defense activities as well as the management of the Army's $6.6 billion, worldwide integrated health system.

Beginning his career as a general medical officer in Vietnam, General Blanck went on to hold a variety of executive positions that include: professor and teaching chief in graduate medical education at the Uniformed Services University; medical consultant to the Army Surgeon General; Commander of Walter Reed Army Medical Center and the North Atlantic Regional Medical Command; and finally as the U.S. Army's 39th Surgeon General. General Blanck has met every challenge with enthusiasm and zeal. His team-building, compassion, and vision have resulted in greater cooperation among the Federal Health Services and improved delivery of medical care to our nation's military, past and present.

General Blanck guided the Armed Forces Institute of Pathology (AFIP) through a period of re-engineering and instituted collaborative missions with the Department of State, Department of Treasury, Federal Bureau of Investigation, Drug Enforcement Agency, National Aeronautic and Space Administration, National Transportation and Safety Board, and the Veterans Administration. These partnerships have fostered unparalleled advances in science and facilitated the reputation of AFIP as being known as the ''People's Institute.''

He re-energized the Army Medical Department and instituted best business practices to ensure the provision of comprehensive, quality healthcare to service members, retired and active, and their family members. Faced with a military medical end-strength reduction of 34%, a reduction in Army medical treatment facilities of 45%, and medical force structure requirements reduction of 77%, General Blanck met the challenge. His brilliant leadership, compassionate vision and unprecedented achievements will guide the Army Medical Department and the entire federal health care system into the new millenium.

General Blanck's contributions to Persian Gulf Illness and Anthrax programs, his interactions with Congress and the Office of the Assistant Secretary of Defense (Health Affairs), and his commitment to the delivery of world-class medical care in support of contingency operations, national emergencies, and potential weapons of mass destruction scenarios are unsurpassed. Mr. President, while General Blanck's many meritorious awards and decorations demonstrate his contributions in a tangible way, it is the legacy he leaves behind for the Army Medical Corps, the United States Army, and the Department of Defense for which we are most appreciative. It is with pride that I congratulate General Blanck on his outstanding career of exemplary service.●

## PACENTRO, ITALY, REUNION 2000

● Mr. ABRAHAM. Mr. President, on July 2, 2000, a very special event will take place in Sterling Heights, Michigan: the first reunion of United States citizens who trace their roots back to the town of Pacentro, Italy. Over 800 people will attend the event, some of them with ancestors who immigrated to the United States over 150 years ago. In addition, the Mayor of Pacentro himself, Mr. Fernando Caparso, will be attending the event. I rise today to welcome Mr. Caparso to the State of Michigan.

Pacentro is a small town located east of Rome. It sits in the Abruzzo region in the province of L'Aquila. Born in medieval times, the town is famous for its three castle towers, the oldest of which was built by Count Boarmondo and dates back to the thirteenth century. Another dates from the fifteenth century, and is recognized as the loveliest castle in the region. More recently, Pacentro has gained fame as the birthplace of the rock star Madonna's grandparents.

Mr. Caparso was born there on February 12, 1951, to Antonio and Rosina Fabiilli. He was one of five children; three sisters remain in Pacentro and the oldest sister resides in Washington, Michigan.

After completing high school in Pacentro, Mr. Caparso graduated from Liceo Classico Ocidio in Sulmona, Italy. He followed his studies there at La Sapienza University in Rome, where he received a doctorate degree. Finally, he attended Gabriele d'Annunzio University in Chieti, where he specialized in sports medicine. Mr. Caparso is presently caring for three towns in the Abruzzo region: Secinaro, Gagliano Aterno and Castel Di Ieri.

The sport of soccer has also played a very large role in Mr. Caparso's life. While completing his studies, he always played for an amateur team in the Peligna Valley Region. And, when his playing days were behind him, he became a referee. Mr. Caparso has refereed women's major league games throughout Italy, and is currently the President of the Sulmona Referee Administration.

Mr. Caparso was elected Mayor of Pacentro in 1999. Having decided that the city needed a better administration, an administration which tended to the needs of all its citizens, he further decided to do something about it. Mr. Caparso was elected Mayor along with a list of conservative councilmen.

Mr. President, I am sure that the Pacentro, Italy, Reunion 2000 will be a wonderful success. I know that a great number of individuals have put their hearts and souls into this reunion, and I applaud their many efforts. On behalf of the entire United States Senate, I welcome Mr. Fernando Caparso, Mayor of Pacentro, Italy, to the State of Michigan.●

## CAPTAIN JOSEPH P. AVVEDUTI

● Mr. LEVIN. Mr. President, I rise to honor Captain Joseph P. Avveduti who is retiring from the U.S. Navy in July after thirty years of outstanding service to our nation. From September 1995 to August 1996, Avveduti commanded the U.S.S. *Kalamazoo*. This ship is named after Kalamazoo, Michigan and the history of its service is of particular interest to Michigan residents.

Captain Avveduti graduated from the United States Naval Academy in 1974. Following his graduation he was designated a Naval Aviator and went on to command several Helicopter Anti-Submarine Squadrons. Among his many leadership positions, Captain Avveduti served as the Executive Officer of U.S.S. *Independence* from January 1993 to June 1995. In 1997, Captain Avveduti graduated from the National War College in Washington, D.C. He currently holds the Chief of Naval Operations Chair at that institution where he serves as a great role model for the many young men and women in the Navy. During his career, Captain Avveduti received the Legion of Merit, the Bronze Star, three Meritorious Service Medals, the Air Medal and various campaign and service medals.

Mr. President, Captain Joseph Avveduti's service to the U.S. Navy, and in particular his command of the U.S.S. *Kalamazoo*, is to be commended. The United States will lose a respected and well accomplished naval officer upon Captain Avveduti's retirement. I know my Senate colleagues will join me in congratulating Captain Avveduti on his outstanding service.●

## TRIBUTE TO LIEUTENANT COLONEL DAVID ARMAND DEKEYSER

● Mr. SESSIONS. Mr. President. It is with great pleasure that I rise today to pay tribute to Lieutenant Colonel David A. DeKeyser for his dedicated military service to our country.

LTC DeKeyser retired on June 5, 2000 from the United States Army Reserve after serving 28 distinguished years as an officer in the Transportation Corps. I have known him well for many years and since I joined the Senate in 1997, he has served as my Chief of Staff. I came to know LTC DeKeyser personally during the 1970's and 1980's when we were both assigned to the 1184th Transportation Terminal Unit (TTU) in Mobile, Alabama. For 8 years we trained at monthly drills and annual training. We have worked with one another since that time in a series of increasingly important and difficult assignments.

LTC DeKeyser was born March 21, 1950 in Mobile, Alabama. He was commissioned as a Second Lieutenant in 1972 from Auburn University. Throughout his career—with duty assignments in Europe, the United States, the Middle East during Operation Desert Storm, and most recently with duty at the United States Transportation Command—he consistently distinguished himself. During times of peace and war, in both command and staff positions, he has achieved excellence. He was activated with the 1184th TTU for duty during the Gulf War and spent 6 months away from his family in Kuwait. LTC DeKeyser was decorated with the Joint Service Commendation Medal, and the Southwest Asia Service Medal. His other notable military awards include the Legion of Merit, the Defense Meritorious Medal, and two awards of the Meritorious Service Medal.

LTC DeKeyser's professionalism and leadership as a military officer earned him the respect and admiration of his soldiers, fellow officers, and members of the U.S. Congress. No officer was better liked or respected—from the newest private to the commanding officer—than LTC DeKeyser. He is known for his integrity, compassion, humor, and ability to inspire men and women from all walks of life. These are the qualities of a soldier who deserves the thanks of a grateful nation for a job well done. In addition, he made notable contributions in his community as a member of various civic organizations to include the Gulf of Mexico Fishery Management Council, the Alabama Coastal Resources Advisory Council, the Mobile Area Chamber of Commerce, the Alabama-Mississippi Sea Grant Consortium Advisory Committee, Goodwill Industries Board of Directors, the American Heart Association Board of Directors, the Mobile Jaycees, and the Reserve Officers Association.

Armand has served his country for 28 years in the Army but he has also provided magnificent services to the Nation in a number of other crucial government assignments.

I know about these because we are partners. In the 1980's, I asked him to leave his business career to serve as a law enforcement coordinator for the office of the United States Attorney. As was typical of Armand's nature he eagerly looked to expand our work and we decided to initiate a ''Weed and Seed'' program in an attempt to revitalize the Martin Luther King area of Mobile.

This historic neighborhood had fallen victim to decay, crime and drugs. Working with our other law enforcement coordinator, Eric Day, Armand gave himself to the project with his typical enthusiasm. Mr. President. I can say that the program was a great success. I once told Armand, when they put you in the grave, your work to make this neighborhood a much better place may be your greatest accomplishment.

Later in 1994, I was elected Attorney General of Alabama and I asked him to leave his beloved Mobile to come to Montgomery to serve as my Administrative Officer.

When we took office, we faced a huge financial problem as a result of terrible financial management. Armand responded with great effectiveness—closing several off-site offices, disposing of one-half of the office automobiles, reducing staff, and helping us reorganize. Personnel was reduced by one-third and legal work improved

Then, when I was elected to the U.S. Senate, I asked him to serve as my Chief of Staff. Once again, he agreed. He has done a magnificent job and there can be no doubt that his military service has played a key role in helping our office achieve the high level of effectiveness that we currently enjoy.

Armand is a soldier's soldier. He has given his best to the Army. It has caused him to be away from home and family and called for personal sacrifice. But, for 28 years, he has answered the call and served with great distinction.

I salute Armand for his faithfulness to the nation, and wish him, his wonderful wife Beverly, and sons David and

Phillip many wonderful years of happiness and good health in his retirement.●

## TIM RUSSERT'S ADDRESS TO HARVARD LAW SCHOOL

● Mr. MOYNIHAN. Mr. President, Tim Russert, who served for many years as a member of the Senate staff, and who now serves the Nation as moderator of ''Meet The Press'' gave the Class Day Address this past Wednesday at the Harvard Law School. It is wonderfully reflective and just as emphatically exhorting. I ask that it be printed in today's RECORD.

The address follows:

ADDRESS BY TIM RUSSERT, HARVARD LAW SCHOOL CLASS DAY, JUNE 7, 2000

Well today I finally got into Harvard. And I thank you. But most respectfully my perspective is different today than when I applied to law school 27 years ago.

You have chosen for your class day speaker the son of a man who never finished high school . . . who worked two jobs—as a truck driver and sanitation man—for 37 years and never complained.

And so may I dare suggest to you I now believe that my dad taught me more by the quiet eloquence of his hard work and his basic decency than I learned from 16 years of formal education.

With that caveat, let me begin.

Former White House Chief of Staff John Sununu. Legend has it, in 1991 he encountered some difficult times. He approached the First Lady Barbara Bush and said ''Barbara . . . I need your advice . . . your wisdom . . . your counsel . . . why is it that people here seem to take such an instant dislike to me?'' She replied, ''because it saves time John.''

Justice Frankfurter said it this way. ''Wisdom too often never comes and so one ought not to reject it merely because it comes late.'' In that humble spirit. Congratulations!

But before you can begin to move on to the next phase of your lives—you must undergo the last grueling hurdle in your career here at Harvard Law school.

The Class Day Address.

Let me be honest with you about my experiences with class day or commencement addresses. I've been through several of my own and I've sat through dozens of others. And I can't recall a single word or phrase from any of those informed, inspirational and seemingly interminable addresses. Despite that, others wiser and more learned than I, have decided there continues to be virtue in this tradition so I will speak to you, but I will try not to delay you too long.

In 1985, I was granted an extraordinary opportunity—a private audience with the Holy Father.

I'll never forget it. The door opened—and there was the Pope—dressed in white. He walked solemnly into the room, at that time it seemed as large as this field. I was there to convince His Holiness it was in his interest to appear on the Today show. But my thoughts soon turned away from Bryant Gumbel's career and NBC's ratings toward the idea of salvation. As I stood there with the Vicar of Christ, I simply blurted, ''Bless me Father!'' He put his arm around my shoulder and whispered—you are the one called Timothy''—I said yes, ''the man from NBC''—''yes, yes, that's me.'' ''They tell me you are a very important man.'' Somewhat taken aback, I said, ''Your Holiness, with all due respect, there are only two of us in this room, and I am certainly a distant second.'' He looked at me and said ''right.'' That was not the last time I pleaded nolo contendere.

In preparing for this afternoon, I had thought about presenting a scholarly essay on the media coverage of the private lives of Presidents and their interns, but I demurred because as you've been taught res ipse loquitor.

Television has a very hard time conveying complicated issues. It is a medium that seems to seek out simplicity over nuance.

It is said that David Brinkley recently reminisced that the way television news would cover Moses in the year 2000 would be as follows: ''Moses came down from the mountaintop today with the 10 commandments . . . here is Sam Donaldson with the three most important.''

So let me skip the temptation of crafting an article for your law review or honing a compelling oral argument.

Let me instead take a few minutes to have a conversation with you.

You have chosen a profession and a university that is unique and you made the choice deliberately.

The education you've received at Harvard Law School isn't meant to be the same as you could have received at medical, engineering or business school.

You've been given an education that says it's not enough to have skill. Not even enough to have read all the books, mastered all the briefs or shepardized all the cases.

The oath you will take, the ethics you must abide by, demand more than that.

Embarking on a legal career will bring some uncertainty, insecurity, apprehension. But fear not. I've overcome worse. You should try being a Buffalo Bills fan in Washington! I actually took Meet the Press to the Super Bowl one year. At the end of the program, I looked into the camera and said, ''It's now in God's hands. And God is good. And God is just. Please God, please make three a charm. One time. Go Bills!

My colleague Tom Brokaw turned to me and said, ''you Irish Catholics from South Buffalo are shameless.''

Well, as I moped back from the stadium after the Dallas Cowboys snuck by 38–10. The first person I saw was Brokaw—he came up put his arm around me and said, ''Well, pal, I guess God is a Southern Baptist.'' I've had the opportunity to work for Senators and Governors, meet Popes and interview Presidents—I do know one thing to be true. The values you have been taught, the struggles you have survived and the diploma you are about to receive tomorrow, have prepared you to compete with anybody, anywhere in the world.

But let us not forget—and Harvard Law graduates, if you hear anything, hear this—it is people, not degrees, who defend, protect and help those in need.

You will be the foot soldiers—the frontline of our legal system dealing day in and day out with the problems and needs of the ordinary folks, the common citizens—the ones the Court calls plaintiffs and defendants.

Even if you choose to be a super lawyer/lobbyist in Washington . . . a rainmaker on Wall Street . . . the clerk of a prestigious court you must do your part that true justice prevails for everyone.

Recall the admonition of Justice Learned Hand ''If we are to keep our democracy, there must be one commandmant:

Thou shalt not ration justice. Your contributions as a lawyer can be significant. You can help save lives, protect the innocent, convict the guilty, provide prosperity, guarantee justice and train young minds.

In words of an American Olympics coach, ''You were born to be players. You were meant to be here. At this time. At this moment. Seize it.''

And so, too, with the Harvard Law graduates of 2000. You were born to be players in this extraordinary game called life, in this extraordinary vocation called the law.

So go climb that ladder of success and work and live in comfort. And enjoy yourself.

You earned it. For that is the American dream. But please do this work and your honorable profession one small favor. Remember the people struggling along side you and below you. The people who haven't had the same opportunity, the same blessings, the same education.

Recognize, comprehend, understand the society into which you are now venturing . . .

13 children a day are shot dead in the United States of America. We—you—have an obligation to at least ask why?

Be it criminal law, family law, corporate law, poverty law, politics, litigation, academic—you cannot—you must not—ignore these problems. They threaten the very foundation of our system of jurisprudence—the very fabric of our society.

These are the real numbers—real problems—involving real people.

Liberals may call it doing good; conservatives may call it enlightened self-interest.

Whatever your ideology, reach down and see if there isn't someone you can't pull up a rung or two—someone old, someone sick, someone lonely, someone uneducated, someone defenseless. Give them a hand. Give them a chance. Give them a start—give them protection. Give them their dignity. Indeed there is a simple truth. ''No exercise is better for the human heart that reaching down to lift up another.''

That's what I believe it means to be a Harvard Law School graduate—a lawyer in the year 2000. For the good of all of us, and most important to me—my 14-year-old son, Luke—please build a future we all can be proud of.

And one last thing, laugh at yourself . . . keep your sense of humor.

One of your alumni, John Kennedy class of 1940, used to send these words to his close friends:

''There are three things which are real.

God . . . human folly and laughter. The first two are beyond our comprehension so we must do what we can with the third.'' A friend once told me. The United States is the only country he knows that puts the pursuit of happiness right after life and liberty among our God given nights.

Laughter and liberty—they go well together.

Have an interesting and rewarding career and a wonderful and fulfilling life.

Thank you for inviting me to share your class day. I now have the best of both worlds: a Jesuit education and a Harvard baseball cap!

Take care.●

## CONGRATULATIONS TO SCOTT GOMEZ OF ANCHORAGE

● Mr. MURKOWSKI. Mr. President, I rise today to congratulate the National Hockey League's Rookie of the Year,

Scott Gomez of the Stanley Cup champion New Jersey Devils. Scott was born and raised in Anchorage, Alaska and is only the eighteenth Alaskan to play in the National Hockey League and the first to make such a huge impact in his first year.

This past Thursday, Scott was awarded the Calder Trophy for best rookie performance in the 1999–2000 season. He led all rookies with 19 goals and 51 assists in 82 regular season games. During the playoffs, he earned 10 points. Past winners of the Calder include Bobby Orr and Ray Bourque.

Scott Gomez is an amazing young man. At the age of only 20, he has accomplished his lifelong dream of playing in the National Hockey League and winning the Stanley Cup, all in one year. He was a rising star in Anchorage where he began playing as a child. From very early on, it was evident that he would be a big star in the NHL. He was twice named Player of the Year by the Anchorage Daily News/State Coaches. In his junior year of high school, he led the Alaska All-Stars team, ages 16–17, to the USA Hockey Tier I national championship. After graduating from East High School in Anchorage, Scott played for Team USA in the World Junior Championship. In addition to this, he is the first Latino to play in the NHL. His father, Carlos, is Mexican and his mother, Dalia, is Colombian.

Mr. President, Scott Gomez is a wonderful example of a young, talented Alaskan who, I am sure, will continue to impress us all in the years to come.●

## 50TH ANNIVERSARY REUNION OF ''COMPANY K''

● Mr. DODD. Mr. President, I rise today to pay tribute to the men of the National Guard's 169th Infantry Regiment of the 43rd Division, or Company K, as they were called, who answered the call to serve their country 50 years ago in securing peace and democracy in Germany during the Korean War. The men of Company K were an elite group of civilian soldiers hailing from Middlesex County in my home state of Connecticut.

When Communist-led North Korea invaded South Korea on June 25, 1950, President Truman decided to strengthen United States forces by calling up the National Guard. Worried that the Korean attack was only a diversion for a planned Soviet attack on Berlin, the Truman administration deployed troops in Germany to thwart any plans for aggression. In order to make this possible, Truman relied heavily on support from the National Guard.

Company K, headquartered in Middletown, Connecticut, became part of this defense effort and reported for roll call on September 5, 1950, officially becoming part of the United States Army. While training at the A.P. Hill Military Reservation in Virginia, Company K received word from Major General Kenneth F. Cramer that they were to report for duty in Germany. It was July 10, 1951, 12:10 p.m.

The Major General recalled the history of the 43rd, noting that never before had it been assigned such a task. It was to be the first time in history that a National Guard division went to Europe in peace time. Major General Cramer said to his troops:

> We are now participating in a determined effort by western civilization to maintain its freedoms and to preserve the peace through the cooperative effort under the Atlantic Pact. . . . As we move into Europe, the eyes of that continent will be upon us. All these people will judge the America of today by us. By our conduct, by our appearance, by our soldierly qualities, we must make certain that their judgments are most favorable to our own country, whose ambassadors we shall be.

And great representatives of America they were. On January 4, 1952, the Hartford Courant wrote that the 43rd Division had become an elite force of respectable and dutiful soldiers. They further praised them for their consideration towards the people of Germany, among whom they lived and interacted on a daily basis.

Company K stayed in Germany for more than two and a half years. Through their efforts there in building defense systems, organizing the border defenses, and strengthening the NATO forces, they successfully helped to prevent any Soviet attacks.

The soldiers of the Company put the preservation of freedom and democratic society ahead of themselves. They proved that their loyalty to our society's ideals and their desire for peace was their first priority. As such, our nation could not have asked for finer ambassadors in Europe.

On June 25, 2000, the members of Company K will be celebrating their 50th Anniversary Reunion gathering. I am grateful to them for their actions 50 years ago and on behalf of the people of Connecticut, and the nation as a whole, I wish to extend a heartfelt thank you to the men of Company K. I hope that their reunion is a success and I wish them well in the future.●

## A TRIBUTE TO DR. DENISE DAVIS-COTTON

● Mr. ABRAHAM. Mr. President, I rise today to recognize Dr. Denise Davis-Cotton, who will be honored this morning during the Millennium Commencement Ceremony at Detroit Symphony Orchestra Hall. Dr. Davis-Cotton is being honored for her many contributions to the Detroit Public School System. In particular, she will be honored for her role as the founding principal of the Detroit High School for the Fine and Performing Arts, and for the work she has done in this capacity.

In founding the Detroit High School for the Fine and Performing Arts, which opened its doors to students in the fall of 1992, Dr. Davis-Cotton established a unique center for learning: a small inner city public school dedicated primarily to the study of the arts. She designed the school curriculum, developed its program components, and wrote the philosophy and mission statement for the school, all of which are based upon a strong commitment to the study of the arts.

After an initial application process, students are asked to audition in one of the following areas: instrumental music, vocal music, speech and theater, dance or visual arts. Only after this audition are students accepted to the school. Upon acceptance, students partake in a rigorous college preparatory curriculum, along with an intensive study in their selected art field.

The results of this demanding program have been resoundingly successful. 100 percent of the first graduating class received acceptance to college; the school holds a 97 percent student retention rate; a 95 percent student attendance rate; and the Class of 2000 had an overall grade point average of 3.08. Mr. President, the 107 students who comprised the Class of 1998 were awarded seven and a half million dollars in scholarships and grants for higher education. The school has had national champions in Academic Games and the Tri-Math-A-Lon, and its Forensics Team has won the Michigan State Championship four consecutive years.

Another important aspect of the Detroit High School for the Fine and Performing Arts is the unique relationship the school has formed with the Detroit Symphony Orchestra. Through this partnership, students have been given the opportunity to work with jazz greats Brandford Marsalis and Frank Foster; award winning composer Alvin Singleton; Detroit Symphony Orchestra Music Director Neeme Jarvi; and Detroit Symphony Orchestra Assistant Conductor Ya-Hui-Wang. In addition to instrumental students studying privately with members of the Detroit Symphony Orchestra, an annual joint concert is presented featuring Detroit High School for the Fine and Performing Arts and Detroit Symphony Orchestra.

This partnership was taken to an even higher level in 1996. With financial assistance from the Detroit Medical Center, an $80 million dollar project was undertaken, to be called Orchestra Place. Orchestra Place, when completed, will be an office, retail, education and arts complex centered around the historic home of the Detroit Symphony, Orchestra Hall. It will also include the new home of the Detroit High School for the Fine and Performing Arts. It is expected to be an important regional performing arts complex, which will offer professional and student performances in the world class Orchestra Hall.

Mr. President, all of these many accomplishments would not have been possible were it not for the many efforts and the incredible vision of Dr. Denise Davis-Cotton. Not only has she provided the youth of Detroit with an entirely new opportunity in education, she has also provided the nation with a blueprint for success in inner city public education. On behalf of the entire United States Senate, I congratulate Dr. Davis-Cotton on her many contributions to the State of Michigan, and wish her continued success in the future.●

## COMMENDING FOUR BRAVE COAST GUARDSMEN

● Mr. MURKOWSKI. Mr President, I rise today to commend a helicopter crew from the Coast Guard Air Station in Sitka, Alaska. These four brave men rescued three fishermen from a fierce storm at sea last November. Pilot Lt. Robert Yerex, co-pilot Lt. James O'Keefe, and Petty Officers Third Class Christian Blanco and Noel Hutton flew their helicopter into 40- to 60-knot winds and pulled three fishermen from 35- to 40-foot high swells. The Coast Guard awarded this intrepid crew the Distinguished Flying Cross, the highest peace time honor that can be awarded, earlier this month.

On November 12, 1999, the four-member crew of the *Becca Dawn* was caught in a storm 160 miles southwest of Sitka, on the coast of Southeast Alaska. The storm caused the 52-foot vessel to begin sinking so quickly the crew had no time to radio a mayday. Instead, an emergency position-indicating radio beacon was triggered. The signal from the beacon was picked up by the Coast Guard and the helicopter crew was immediately sent out. When they arrived, they found the fishermen had already abandoned ship.

The storm made the rescue extremely difficult. The gusting winds made it extremely difficult to maintain the helicopter's stability, and blowing snow made visibility extremely low.

Once the Coast Guard crew arrived on the scene they pulled up three of the four crew members. This operation took thirty minutes. With winds gusting to 60 knots, the crew of the bucking helicopter became nauseous, but persevered in their search for the missing fourth fisherman in the cold, turbulent water. They only returned to land at the last moment, almost out of fuel, when staying longer would have made them into casualties themselves. Unfortunately, the fourth fisherman was never found and is presumed lost at sea.

Obviously, this brand of courage and tenacity is worthy of the Distinguished Flying Cross and I am very proud of my fellow Coast Guardsmen and Alaskans and I congratulate their hard work and dedication. All Coast Guardsmen pride themselves on being ''always ready,'' and these four courageous rescuers showed just what that spirit is all about. I salute them.●

## MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 946. An act to restore Federal recognition to the Indians of the Graton Rancheria of California.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 3084. An act to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln.

H.R. 3292. An act to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 352. A concurrent resolution expressing the sense of the Congress regarding manipulation of the mass media and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation.

### ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

H.J. Res. 101. A joint resolution recognizing the 225th birthday of the United States Army.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 946. An act to restore Federal recognition to the Indians of the Graton Rancheria of California; to the Committee on Indian Affairs.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3292. An act to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana; to the Committee on Environment and Public Works.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 352. A concurrent resolution expressing the sense of the Congress regarding manipulation of the mass media and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation; to the Committee on Foreign Relations.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 20, 2000, he had presented to the President of the United States the following enrolled bills:

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9263. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report involving exports to Chad and Cameroon; to the Committee on Banking, Housing, and Urban Affairs.

EC–9264. A communication from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the corrected 2000 annual report of the Board; to the Committee on Finance.

EC–9265. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Refugee Resettlement Program for fiscal year 1998; to the Committee on the Judiciary.

EC–9266. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, a notice relative to an A–76 study of the Pentagon Heating and Refrigeration Plant; to the Committee on Armed Services.

EC–9267. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a notice relative to a pilot program for revitalization of DOD laboratories; to the Committee on Armed Services.

EC–9268. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of the proposed issuance of an export license to Australia; to the Committee on Foreign Relations.

EC–9269. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of the proposed issuance of an export license to Russia; to the Committee on Foreign Relations.

EC–9270. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of the proposed issuance of export licenses to Germany, Italy, Russia, and Kazakstan; to the Committee on Foreign Relations.

EC–9271. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9272. A communication from the Inspector General of the Environmental Protection Agency, transmitting, pursuant to law, the report of the IG for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9273. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''The Review of Quantum Meruit Payments Made By District of Columbia Government Agencies''; to the Committee on Governmental Affairs.

EC–9274. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–345 entitled ''Approval of the Extension of the Term of District Cablevision Limited Partnership's Franchise Act of 2000'' adopted on May 3, 2000; to the Committee on Governmental Affairs.

EC–9275. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–352 entitled ''Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000'' approved on May 3, 2000; to the Committee on Governmental Affairs.

EC–9276. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–353 entitled ''Procurement Practices Human Care Agreement Amendment Act of 2000'' approved on May 3, 2000; to the Committee on Governmental Affairs.

EC–9277. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–354 entitled ''Closing of Public Alleys in Square 4335, S.O. 98–234, Act of 2000'' approved on May 3, 2000; to the Committee on Governmental Affairs.

EC–9278. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–355 entitled ''Solid Waste Transfer Facility Site Selection Advisory Panel Report Deadline Extension Temporary Amendment Act of 2000'' approved on May 3, 2000; to the Committee on Governmental Affairs.

EC–9279. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–356 entitled ''Tenant Protection Temporary Amendment Act of 2000'' approved on May 3, 2000; to the Committee on Governmental Affairs.

EC–9280. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Addition of Gamma-Hydroxybutyric Acid to Schedule I; Extension of Application of Order Form Requirement for Certain Persons'' received on June 16, 2000; to the Committee on the Judiciary.

EC–9281. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Electronic Filing'' received on June 16, 2000; to the Committee on Rules and Administration.

EC–9282. A communication from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers; Addition of Persons Blocked Pursuant to 31 CFR Part 538, 31 CFR Part 597'' (RIN:31 CFR chapter V, Appendix) received on June 19, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9283. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule 17Ac2–2 and Form TA–2'' (RIN:3235–AH44) received on June 5, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9284. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Offer and Sale of Securities to Canadian Tax-Deferred Retirement Savings Accounts'' (RIN:3235–AH32) received on June 9, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9285. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing and Urban Development (Federal Housing Commissioner), transmitting, pursuant to law, the report of a rule entitled ''Tenant Participation in Multifamily Housing Projects'' (RIN:2502–AH32(FR–4403–F–02)) received on June 6, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9286. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing and Urban Development (Federal Housing Commissioner), transmitting, pursuant to law, the report of a rule entitled ''Public Housing Assessment System (PHAS); Technical Correction'' (RIN:2577–AC08(FR–4497–C–06)) received on June 6, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9287. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule ''12 CFR Parts 716 and 741; Privacy of Consumer Financial Information; Requirements for Insurance'' received on June 7, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9288. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule ''12 CFR Part 714; Leasing'' received on June 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9289. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule ''12 CFR Part 707; Truth in Savings'' received on June 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9290. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of procurement list additions received on June 1, 2000; to the Committee on Governmental Affairs.

EC–9291. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of procurement list additions received on June 7, 2000; to the Committee on Governmental Affairs.

EC–9292. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of procurement list additions received on June 14, 2000; to the Committee on Governmental Affairs.

EC–9293. A communication from the Acting Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Circular 97–18'' received on May 31, 2000; to the Committee on Governmental Affairs.

EC–9294. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of the rule entitled ''Public Use of NARA Facilities'' (RIN:3095–AA06) received on June 2, 2000; to the Committee on Governmental Affairs.

EC–9295. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of the rule entitled ''Records Declassification'' (RIN:3095–AA67) received on June 2, 2000; to the Committee on Governmental Affairs.

EC–9296. A communication from the Director of the Office of Executive Resources Management, Office of Personnel Management, transmitting, pursuant to law, the report of the rule entitled ''Employment in the Senior Executive Service'' (RIN:3206–AI58) received on May 24, 2000; to the Committee on Governmental Affairs.

EC–9297. A communication from the Director of the Office of Executive Resources Management, Office of Personnel Management, transmitting, pursuant to law, the report of the rule entitled ''Federal Employees Health Benefits Program and Department of Defense Demonstration Project Amendment to 5 CFR Part 890'' (RIN:3206–AI63) received on June 5, 2000; to the Committee on Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment and with a preamble:

S. Res. 277: A resolution commemorating the 30th Anniversary of the Policy of Indian Self-determination.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. LUGAR for the Committee on Agriculture, Nutrition, and Forestry.

Christopher A. McLean, of Nebraska, to be Administrator, Rural Utilities Service, Department of Agriculture.

Michael V. Dunn, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for the remainder of the term expiring October 13, 2000.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Michael V. Dunn, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring October 13, 2006. (Reappointment)

(The above nomination was reported without recommendation. The nominee has agreed to appear before any duly constituted committee of the United States Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNETT (for himself, and Mr. HATCH):

S. 2754. A bill to provide for the exchange of certain land in the State of Utah; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, and Mr. DOMENICI):

S. 2755. A bill to further continued economic viability in the communities on the southern High Plains by promoting sustainable groundwater management of the southern Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROBB:

S. 2756. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in the Fund to carry out projects to promote the recovery of waters of the United States from damage resulting from violations of that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 2757. A bill to provide for the transfer or other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington, to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. BRYAN, Mr. ROBB, Mr. CONRAD, Mr. CHAFEE, Mr. BAUCUS, Mr. ROCKFELLER, and Mrs. LINCOLN):

S. 2758. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or act upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 324. A resolution to commend and congratulate the Los Angeles Lakers for their outstanding drive, discipline, and mastery in winning the 2000 National Basketball Association Championship; considered and agreed to.

By Mr. ABRAHAM:

S. Res. 325. A resolution welcoming King Mohammed VI of Morocco upon his first official visit to the United States, and for other purposes; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2754. A bill to provide for the exchange of certain land in the State of Utah; to the Committee on Energy and Natural Resources.

UTAH WEST DESERT LAND EXCHANGE ACT OF 2000

Mr. BENNETT. Mr. President, today I rise to introduce the Utah West Desert Land Exchange Act of 2000. I am pleased that my friend and colleague, Senator HATCH, joins me in introducing this important legislation.

The Utah Enabling Act of 1894 granted to the state four sections, each section approximately 640 acres in size, in each 36 square-mile township. These lands were granted for the support of the public schools, and accordingly are referred to as school trust lands. The location of these lands, as they are not contiguous to each other, has made management by the state difficult. In addition, as school trust lands are interspersed with Federal lands, Federal land designations, such as wilderness study area, have further complicated the state's ability to manage its lands.

The Utah West Desert Land Exchange Act of 2000 seeks to resolve these problems through an equal-value, equal-acreage land exchange between the state of Utah and the Federal Government. The lands that will be exchanged are located within the West Desert region of Utah. Each party will exchange approximately 106,000 acres. The Federal government will receive state lands located within wilderness study areas, lands identified as having wilderness characteristics in the Bureau of Land Management's Utah Wilderness Inventory, and lands identified for acquisition in the Washington County Habitat Conservation Plan. The state will receive federal lands that are more appropriate to carry out its mandate to generate revenue for Utah's public schools.

I would like to address two issues some have raised about this land exchange. The first issue is regarding land valuation. Both the state of Utah and the Department of the Interior firmly believe that this exchange is approximately equivalent in value. The parties have reached this conclusion after many months of thorough research and evaluation of the parcels to be exchanged. The process of research and evaluation included review of comparable sales, mineral potential, access, and topography. One may ask why each parcel of land was not appraised individually. The answer is that for many of the 175 state parcels it would have cost more to have appraised those lands than their agreed upon value. Please note that the average value of the school trust lands outside of Washington County is $85 per-acre; if each individual parcel was required to be formally appraised the high appraisal costs would place this land exchange, and all of its benefits, in jeopardy. Nevertheless both the state of Utah and the Department of the Interior have maintained their fiduciary responsibility by putting together a package that is equal, in both value and acreage.

The second issue that has been raised is in regard to the LaVerkin tract. Governor Leavitt, in his testimony before the United States House of Representatives Committee on Resources, stated: ''I want to assure you the state of Utah will be sensitive to local needs as this tract is developed, and will comply with, and participate in, local planning and zoning decisions. Also, you can be assured the scenic views at the entrance to Zion National Park will be protected to the maximum extent practicable,'' It is my hope that this commitment made by Governor Levitt will satisfy those concerned by the exchange of the LaVerkin tract.

The Utah West Desert Land Exchange Act of 2000 is the result of over 12 months of negotiations between the state of Utah and the Department of the Interior. For too long the school trust lands in the West Desert have been held captive by neighboring federal lands, unable to produce the revenue that are legally required to for Utah's schools. This bill provides that Congress with an opportunity to reduce the state of Utah's holdings in Federal wilderness study areas and other sensitive areas while increasing lands that are more suitable for long-term economic development to the state of Utah for its school children. Additionally, the Federal Government will consolidate its ownership in the existing wilderness study area, which will allow for more consistent management. This bill is a win-win proposal, and the right thing to do. I look forward to working with my colleagues to pass this legislation in the remaining months of the session.

Mr. HATCH. Mr. President, I rise today to announce my support for the West Desert Wilderness Land Exchange Act, introduced by my good friend and colleague, Senator ROBERT BENNETT. This is a proposal of importance to the citizens of my home state of Utah and to all Americans.

Utah is the home to some of the most environmentally diverse lands in the nation. These lands contain environmentally significant plants, animals,

geology, and many priceless archaeological sites.

This legislation will transfer 106,000 acres of state school trust lands that are currently held within Wilderness Study Areas to areas where they may better benefit Utah schools. School trust lands are intended to raise revenue for Utah's schools. The economic benefits of these lands are vital to Utah schools and their funding. Trapped within Wilderness Study Areas, these lands have not been able to be developed, and Utah's school children have been left holding the short end of the stick. This proposal will allow for a land swap between the Department of the Interior and the State of Utah, and both parties have given their blessing to this proposal.

The lands that will be given to the Department of the Interior are home to a variety of endangered and threatened species of plants and animals. A few of these are: the desert tortoise, the chuckawalla, purple-spined hedgehog cactus, and the golden and bald eagles. These lands also contain some of the most magnificent vistas in the western United States with views of Zions National Park, Elephant Butte, and the Deep Creek Mountains. This land exchange will preserve the unparalleled landscapes characteristic of Utah.

The Utah State School Lands Trust was established at the time Utah became a state with lands deeded to the trust by the federal government for the purpose of creating a reliable source of income to support our state's educational system. Every student in Utah benefits from the resources made available by the school trust lands. It is a critical source of support for Utah education.

This proposal, therefore, has the backing of all major Utah educational organizations, including the Utah PTA and Utah Education Association. This land exchange will unlock our school trust lands for the long-term benefit of Utah's school children. And, quite frankly, we will never be able to designate more wilderness in Utah without protecting the integrity of our Utah State School Lands Trust.

This is one proposal where everyone benefits—our schools as well as our environmental interests. It is a logical proposal; it is a fair proposal. I urge my colleagues to support this legislation, and I look forward to working with them on this important piece of legislation.

---

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2755. A bill to further continued economic viability in the communities on the southern High Plains by promoting sustainable groundwater management of the southern Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry.

THE SOUTHERN HIGH PLAINS GROUNDWATER RESOURCE CONSERVATION ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation which will bring focus to an issue that concerns the long-term economic viability of communities in much of America's heartland: the southern High Plains stretching from the middle of Kansas through Oklahoma and the Texas Panhandle and including eastern portions of the State of Colorado, and the eastern counties of my home state of New Mexico. This is farm country, and the cornerstone of its economy is its groundwater supply, the Ogallala aquifer, which allows for irrigated agriculture.

The Natural Resource & Conservation Service estimates that there are over six million acres of irrigated farmland overlying the southern Ogallala. These farms use between six and nine million acre-feet of water each year. The problem is that current use of the aquifer is not sustainable, and it is being depleted rapidly.

As shown on this U.S. Geological Survey Map, the High Plains Aquifer, which is mostly the Ogallala Aquifer, starts in South Dakota, encompasses most of Nebraska and parts of Wyoming, and then continues down into the southern High Plains.

This next chart shows the change in water levels in the aquifer over a seventeen year period from 1980 to 1997. As shown by the gray and blue markings on this map, the northern portion of this aquifer is in pretty good shape. The rate of water recharge from rainfall and irrigation water from the Platte River, for the most part matches or is greater than the rate of water depletions.

However, the story is quite different in the southern High Plains. In just the 17 years characterized on this map, we have seen large areas of the southern aquifer experience a 10 to 20 foot drop in their water table. That is shown in the dark orange areas on the map. More alarming is that for an almost equal area, as depicted in red on the map, the drop in the water table has been 40 feet or greater.

These changes in the level of the water table mean that it takes more wells at a greater pumping cost to produce the same amount of water, and that's if the wells don't go completely dry. This raises the serious question about the viability of continued farming on the southern High Plains. However, while irrigated agriculture uses the lion's share of the water, farm viability is only part of the economic story. This aquifer is also the primary source for municipal water on the southern High Plains. Diminishing productivity from municipal wells and the increased cost of pumping can place huge strains on local and county resources.

The insecurity of groundwater resources on the southern High Plains is a multi-state issue with significant economic and social consequences for America as a nation. We must act now to help steer the communities on the southern High Plains toward a sustainable use of the Ogallala aquifer. Ignoring the problem and allowing continuing uses to go unabated invites tremendous economic dislocation for a large section of our country.

To address this issue I am introducing the Southern High Plains Groundwater Resource Conservation Act. This bill creates three levels of approach to the problem.

First, it recognizes that to guide government decision makers and private investors, accurate, up-to-date, scientific information about the groundwater resources in their area is necessary. Therefore it calls upon the United States Geological Survey to initiate a comprehensive hydrogeologic mapping, modeling, and monitoring program for the Southern Ogallala, to provide a report to Congress and to the relevant states with maps and information on a county by county basis, and to renew and update that report every year.

Second, it acknowledges that an effective water conservation plan can only be measured against a multi-year goal. Also, modeling by the U.S.G.S. indicates that groundwater conservation is not economically effective if implemented on a small scale basis. Measures must be implemented over a sufficiently large area in order to see a long-term groundwater savings, and return on the investment in conservation. To ensure groundwater savings over an appropriate area, this bill would authorize the Secretary of Agriculture to provide planning assistance, on a cost-share basis, to states, tribes, counties, conservation districts, or other local government units to create water conservation plans designed to benefit their groundwater resource over at least 20 years.

Finally, if the Secretary certifies that such a plan is in place, this bill would provide two primary forms of assistance for groundwater conservation on individual farms. They are a cost-share assistance program to upgrade the water use efficiency of farming equipment, and the creation of an ''Irrigated Land Reserve.''

The cost-share program is based on the knowledge that, while significant water savings could be made from moving farms from historical row or center-pivot irrigation to more modern techniques, the upfront cost is often prohibitive to family farmers. However, estimates by the Natural Resources Conservation Service and the High Plains Underground Water Conservation District in Lubbock, Texas, are that an initial $20,000 in Federal investment in equipment on a cost-share basis would save between 325 to nearly 490 acre-feet of water over a ten year

period. A bargain price, considering water prices on the West.

The Irrigated Land Reserve in this bill, is designed to convert 10 percent, or approximately 600,000 acres, of the irrigated farmland on the southern High Plains to dryland agriculture. Dryland agriculture, obviously, is less productive than irrigation. So this bill would provide for a rental rate to farmers to ease the economic impact of changing over. It is estimated that when fully implemented this program would save between 600,000 and 900,000 acre-feet of water per year at a cost of $33 to $50 per acre-foot.

These two programs, the cost-share program for water conservation, and enrollment in an Irrigated Land Reserve are completely voluntary. However, from the interest I have received in discussions with farmers on the southern High Plains, I expect that there will be no shortage of participants.

The program outlined in this bill would cost $70 million per year if fully implemented. Given the opportunity to move the southern High Plains communities to a sustainable use of their groundwater without massive dislocations in their economy, I think it will be an investment worth making.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2755

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Southern High Plains Groundwater Resource Conservation Act.''

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress Finds that—

(1) A reliable source of groundwater is an essential element of the economy of the communities on the High Plains.

(2) The High Plains Aquifer and the Ogallala Aquifer are closely related hydrogeographic structures. The High Plains Aquifer consists largely of the Ogallala Aquifer with small components of other geologic units.

(3) The High Plains Aquifer experienced a dramatic decline in water table levels in the latter half of the twentieth century. The Average weighted decline in the aquifer from 1950 to 1997 was 12.6 feet (USGS Fact Sheet 124–99, Dec. 1999).

(4) The decline in water table levels is especially pronounced in the Southern Ogallala Aquifer, reporting that large areas in the states of Kansas, New Mexico, and Texas experienced declines of over 100 feet in that period (USGS Fact Sheet 124–99, Dec. 1999).

(5) The saturated thickness of the High Plains Aquifer has declined by over 50% in some areas (1186 USGS Circular 27, 1999). Furthermore, the Survey has reported that the percentage of the High Plains Aquifer which has a saturated thickness of 100 feet or more declined from 54 percent to 51 percent in the period from 1980 to 1997 (USGS Fact Sheet 124–99, Dec. 1999).

(6) The decreased water levels in the High Plains Aquifer coupled with higher pumping lift costs raise concerns about the long-term sustainability of irrigated agriculture in the High Plains. (''External Effects of Irrigators' Pumping Decisions, High Plains Aquifer,'' Alley and Schefter, American Geophysical Union paper #7W0326; Water Resources Research, Vol. 23, No. 7 1123–1130, July 1987).

(7) Hydrological modeling by the United States Geological Survey indicates that in the context of sustained high groundwater use in the surrounding region, reductions in groundwater pumping at the single farm level or at a very local level of up to 100 square miles, have a very time limited impact on conserving the level of the local water table, thus creating a disincentive for individual water users to invest in water conservation measures. (''External Effects of Irrigators' Pumping Decisions, High Plains Aquifer,'' Alley and Schefter, American Geophysical Union, paper #7W0326; Water Resources Research, Vol. 23, No. 7 1123–1130, July 1987).

(8) Incentives must be created for conservation of groundwater on a regional scale, in order to achieve an agricultural economy on the Southern High Plains that is sustainable.

(9) For water conservation incentives to function, federal, state, tribal, and local water policy makers, and individual groundwater users must have access to reliable information concerning aquifer recharge rates, extraction rates, and water table levels at the local and regional levels on an ongoing basis.

(b) PURPOSES.—To promote groundwater conservation on the Southern High Plains in order to extend the usable life of the Southern Ogallala Aquifer.

**SEC. 3. DEFINITIONS.**

For purposes of this Act:

(a) HIGH PLAINS AQIFER:—The term ''High Plains Aquifer'' is the groundwater reserve depicted as Figure 1 in the United States Geological Survey Professional Paper 1400–B, titled Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.

(b) HIGH PLAINS.—The term ''High Plains'' refers to the approximately 174,000 square miles of land surface overlying the High Plains Aquifer in the states of New Mexico, Colorado, Wyoming, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

(c) SOUTHERN OGALLALA AQUIFER.—The term ''Southern Ogallala Aquifer'' refers to that part of the High Plains Aquifer lying below 39 degrees north latitude which underlies the states of New Mexico, Texas, and Oklahoma, Colorado, and Kansas.

(d) SOUTHERN HIGH PLANS—The term ''Southern High Plains'' refers to the portions of the states of New Mexico, Texas, and Oklahoma, Colorado, and Kansas which overlie the Southern Ogallala Aquifer.

(e) SECRETARY.—The term ''Secretary'' refers to either the secretary of the Interior or the Secretary of Agriculture as appropriate.

(f) The term ''water conservation measures'' includes measures which enhance the groundwater recharge rate of a given piece of land, or which increase water use efficiencies.

**SEC. 4. HYDROLOGIC MAPPING, MODELING, AND MONITORING.**

(a) The Secretary of the Interior, working though the United States Geological Survey, shall develop a comprehensive hydrogeologic mapping, modeling, and monitoring program for the Southern Ogallala Aquifer. The program shall include on a county-by-county basis—

(1) A map of the hydrological configuration of the Aquifer; and

(2) An analysis of:

(A) the current and past rate at which groundwater is being withdrawn and recharged, and the net rate of decrease or increase in aquifer storage;

(B) the factors controlling the rate of horizontal migration of water within the Aquifer;

(C) the degree to which aquifer compaction caused by pumping and recharge methods in impacting the storage and recharge capacity of the groundwater body; and

(D) the current and past rate of loss of saturated thickness within the Aquifer.

(b) ANNUAL REPORT.—One year after the enactment of this Act, and once per year thereafter, the Secretary shall submit a report on the status of the Southern Ogallala Aquifer to the Senate Committee on Energy and Natural Resources, to the House Committee on Resources, and to the Governors of the States of New Mexico, Oklahoma, Texas, Colorado, and Kansas.

**SEC. 5. GROUNDWATER CONSERVATION ASSISTANCE.**

(a) FEDERAL ASSISTANCE.—The Secretary of Agriculture, working through the Natural Resources Conservation Service, is hereby authorized and directed to establish a groundwater conservation assistance program for Southern Ogallala Aquifer.

(b) DESIGN AND PLANNING.—The Secretary shall provide financial and technical assistance, including modeling and engineering design to states, tribes, and counties, conservation districts, or other political subdivisions recognized under state law, for the development of comprehensive groundwater conservation plans within the Southern High Plains. This assistance shall be provided on a cost share basis ensuring that:

(1) The federal funding for the development of any given plan shall not exceed fifty percent of the cost; and

(2) The federal funding for groundwater water conservation planning for any one county, conservation district, or similar political subdivision recognized under state law shall not exceed $50,000.

(c) CERTIFICATION.—The Secretary shall create a certification process for comprehensive groundwater conservation plans developed under this program, or developed independently by states, tribes, counties, or other political subdivisions recognized under state law. To be certified, a plan must:

(1) Cover a sufficient geographic area to provide a benefit to the groundwater resource over at least a 20 year time scale; and

(2) Include a set of goals for water conservation; and

(3) Include a process for an annual evaluation of the plan's implementation to allow for modifications if goals are not being met.

**SEC. 6. IMPLEMENTATION ASSISTANCE.**

Farming operations within jurisdictions which have a certified conservation plan in accordance with subsection (5)(c) of this title shall be eligible for:

(a) WATER CONSERVATION COST-SHARE ASSISTANCE.—The Secretary, working through the Natural Resources Conservation Service, may provide grants to individual farming operations of up to $50,000 for implementing on farm water conservation measures including the improvement of irrigation systems and the purchase of new equipment: *Provided*, that the Federal share of the water conservation investment in any one operation be no greater than 50%: *Provided further*, that each

water conservation measure be in accordance with a conservation plan certified under section 5(c) of this title.

(b) IRRIGATED LAND RESERVE.—Through the 2020 calendar year, the Secretary shall formulate and carry out the enrollment of lands in a groundwater conservation reserve program through the use of multiple year contracts for irrigated lands which would result in significant per acre savings of groundwater resources if converted to dryland agriculture.

(c) CONSERVATION RESERVE PROGRAM ENHANCEMENT.—Lands eligible for the Conservation Reserve Program established under 16 U.S.C. 3831 which would result in significant per acre savings of groundwater resources if removed from agricultural production shall be awarded 20 Conservation Reserve Program bid points, to be designated as groundwater conservation points, in addition to any other ratings the lands may receive.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated $70,000,000 annually through the fiscal year 2020 to carry out this Act. Of that total amount:

(1) There are authorized to be appropriated $5 million annually through the fiscal year 2020 for hydrogeologic mapping, modeling, and monitoring under this Act;

(2) There are authorized to be appropriated $5 million annually through fiscal year 2020 for groundwater conservation planning, design, and plan certification under this Act;

(3) There are authorized to be appropriated $30 million annually through fiscal year 2020 for cost-share assistance for on farm water conservation measures; and

(4) There are authorized to be appropriated $30 million annually through fiscal year 2020 for enrollment of lands in an Irrigated Lands Reserve.

---

By Mr. ROBB:

S. 2756. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in the Fund to carry out projects to promote the recovery of waters of the United States from damage resulting from violations of that Act, and for other purposes; to the Committee on Environment and Public Works.

THE NATIONAL CLEAN WATER TRUST FUND ACT 0F 2000

● Mr. ROBB. Mr. President, I'm introducing a bill that will help clean up and restore our nation's waters. This bill, The National Clean Water Trust Fund Act of 2000, creates a trust fund from fines, penalties and other monies collected through enforcement of the Clean Water Act. The money deposited into the National Clean Water Trust Fund would be used to address the pollution problems that initiated those enforcement actions.

A highly publicized case in Virginia illustrated the need for this legislation. On August 8 1997, U.S. District Court Judge Rebecca Smith issued a $12.6 million judgement against Smithfield Foods for polluting the Pagan River in Isle of Wight County, Virginia. The judge stated in her opinion that the civil penalty imposed on Smithfield should be directed toward the restoration of the Pagan and James Rivers, tributaries to the Chesapeake Bay. Unfortunately, due to current federal law, the court had no discretion over the damages, and the fine was deposited into the Treasury's general fund, defeating the very spirit of the Clean Water Act.

Today, there is no guarantee that fines or other money levied against parties who violate provisions in the Clean Water Act will be used to correct short and long term damage from water pollution. Instead the money is directed into the fund of the U.S. Treasury with no provision that it be used to improve the quality of our water. Pollution from spills or illegal discharges can have a profound effect on our environment and can degrade our public water supplies, and recreational areas. Water pollution causes long term damage to fish and shellfish habitat and destroys the livelihood of watermen, and leads to the long term degradation of scenic areas. While the Environmental Protection Agency's enforcement activities are extracting large sums of money from industry and others through enforcement of the Clean Water Act, we are missing an opportunity to pay for the cleanup and restoration of pollution problems for which the penalties were levied. To ensure the successful implementation of the Clean Water Act, we should put these enforcement funds to work and actually clean up the nation's waters.

This legislation will establish a National Clean Water Trust Fund within the U.S. Treasury to earmark fines, penalties, and other funds, including consent decrees, obtained through enforcement of the Clean Water Act that would otherwise be placed into the Treasury's general fund. The EPA Administrator would be authorized, after consultation with the States, to prioritize and carry out projects to restore and recover waters of the United States using the funds collected from the violations of the Clean Water Act. This legislation would not preempt citizen suits or in any way preclude EPA's authority to undertake and complete supplemental environmental projects as part of settlements related to violations of the Clean Water Act or any other legislation. The bill also provides court discretion over civil penalties from Clean Water Act violations to be used to carry out mitigation and restoration projects. In this bill, EPA is directed to give priority consideration to projects in the watershed where the original violation was discovered. With this legislation, we can avoid another predicament like the one faced in Virginia.

Mr. President, it only makes sense that fines occurring from violations of the Clean Water Act be used to restore the waters that were damaged. This bill provides a real opportunity to improve the quality of our nation's waters.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2756

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''National Clean Water Trust Fund Act of 2000''.

**SEC. 2. NATIONAL CLEAN WATER TRUST FUND.**

Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended by adding at the end the following:

''(h) NATIONAL CLEAN WATER TRUST FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury a National Clean Water Trust Fund (referred to in this subsection as the 'Fund') consisting of amounts transferred to the Fund under paragraph (2) and amounts credited to the Fund under paragraph (3).

''(2) TRANSFER OF AMOUNTS.—For fiscal year 2001, and each fiscal year thereafter, the Secretary of the Treasury shall transfer to the Fund an amount determined by the Secretary to be equal to the total amount deposited in the general fund of the Treasury in the preceding fiscal year from fines, penalties, and other funds obtained through judgments from courts of the United States for enforcement actions conducted under this section and section 505(a)(1), excluding any amounts ordered to be used to carry out mitigation projects under this section or section 505(a).

''(3) INVESTMENT OF AMOUNTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals.

''(B) ADMINISTRATION.—The obligations shall be acquired and sold and interest on, and the proceeds from the sale or redemption of, the obligations shall be credited to the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

''(4) USE OF AMOUNTS FOR REMEDIAL PROJECTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Fund shall be available, as provided in appropriations Acts, to the Administrator to carry out projects to restore and recover waters of the United States from damage resulting from violations of this Act that are subject to enforcement actions under this section or from the discharge of pollutants into the waters of the United States, including—

''(i) soil and water conservation projects;

''(ii) wetland restoration projects; and

''(iii) such other similar projects as the Administrator determines to be appropriate.

''(B) CONDITION FOR USE OF FUNDS.—Amounts in the Fund shall be available under subparagraph (A) only for a project conducted in the watershed, or in a watershed adjacent to the watershed, in which a violation of this Act described in subparagraph (A) results in the institution of an enforcement action.

''(5) SELECTION OF PROJECTS.—

''(A) PRIORITY.—In selecting projects to carry out under this subsection, the Administrator shall give priority to a project described in paragraph (4) that is located in the watershed, or in a watershed adjacent to the watershed, in which there occurred a violation under this Act for which an enforcement action was brought that resulted in the payment of any amount into the general fund of the Treasury.

''(B) CONSULTATION WITH STATES.—In selecting a project to carry out under this section, the Administrator shall consult with the State in which the Administrator is considering carrying out the project.

''(C) ALLOCATION OF AMOUNTS.—In determining an amount to allocate to carry out a project to restore and recover waters of the United States from damage described in paragraph (4), the Administrator shall, in the case of a priority project described in subparagraph (A), take into account the total amount deposited in the general fund of the Treasury as a result of enforcement actions conducted with respect to the violation under this section or section 505(a)(1).

''(6) IMPLEMENTATION.—The Administrator may carry out a project under this subsection directly or by making grants to, or entering into contracts with, another Federal agency, a State agency, a political subdivision of a State, or any other public or private entity.

''(7) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this subsection, and every 2 years thereafter, the Administrator shall submit to Congress a report on implementation of this subsection.''.

**SEC. 3. USE OF CIVIL PENALTIES FOR MITIGATION PROJECTS.**

(a) IN GENERAL.—Section 309(d) of the Federal Water Pollution Control Act (33 U.S.C. 1319(d)) is amended by inserting after the second sentence the following: ''The court may order that a civil penalty be used for carrying out mitigation, restoration, or other projects that are consistent with the purposes of this Act and that enhance public health or the environment.''.

(b) CONFORMING AMENDMENT.—Section 505(a) of the Federal Water Pollution Control Act (33 U.S.C. 1365(a)) is amended in the last sentence by inserting before the period at the end the following: '', including ordering the use of a civil penalty for carrying out mitigation, restoration, or other projects in accordance with section 309(d)''.

---

By Mr. DOMENICI:

S. 2757. A bill to provide for the transfer or other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington; to the Committee on Energy and Natural Resources.

LAND TRANSFER AND WITHDRAWAL OF CERTAIN LANDS IN MELROSE AIR FORCE RANGE, NEW MEXICO

Mr. DOMENICI. Mr. President, I rise today to offer legislation that would allow for the transfer of administrative jurisdiction over the Melrose Air Force Range in New Mexico and the Yakima Training Center in Washington to the appropriate Service in the Defense Department. Both of these affected areas are public domain lands under the Department of Interior. This legislation simply transfers authority from the Department of Interior to the Secretary of the Air Force in the case of the Melrose Range and to the Secretary of the Army in the case of the Yakima Training Center.

Transfer and conversion of the lands to real property is proposed in lieu of the more customary withdrawal pursuant to the Act of February 28, 1958. The affected lands are multiple parcels of public domain lands within a large block of Military Service acquired real property. Enactment on this transfer would provide for simplified management of these lands by the respective Defense Department Service.

Melrose Air Force Range in Roosevelt County, New Mexico, is comprised of six parcels of public land, totaling about 6,714 acres. Over 1,118 acres are utilized as bomb impact zone; the remainder is required as a safety buffer. The transfer is needed to provide the Air Force with complete control over land uses on the Range. This should serve to minimize potential safety concerns, liability of the United States, and land use conflicts that could interfere with the training mission.

The lands have been used as part of the Range since 1957, under lease or other arrangement with the State of New Mexico which had ownership of the lands at the time. Expansion of the Range was authorized by Public Law 89–568, in September 1966. In 1970 and 1973, the Bureau of Land Management (BLM) acquired the lands through a land exchange with the State. During this same period, a land acquisition program to enlarge the Range was being conducted by the Air Force through the U.S. Army Corps of Engineers. The BLM exchange was undertaken in aid of that effort. In 1975, the U.S. Army Corps, on behalf of the Air Force, applied for withdrawal of the lands that the BLM had acquired.

The lands that would be transferred through enactment of this legislation are an integral part of the Range, and continue to be suitable for training purposes. These lands will continue to be needed for Air Force training for the foreseeable future.

The second installation affected by this legislation is the Yakima Training Center in Kittitas County, Washington. Congress authorized a 63,000 acre expansion of the existing Center by the National Defense Authorization Act for fiscal years 1992 and 1993 and the Military Construction Appropriations Act of 1992.

The lands to be transferred at the Center consist of 19 scattered small tracts of public lands totaling 6,649 acres within the expansion area. The remaining approximately 56,400 acres of real property within the expansion have already been acquired by the Army. There are an additional 3,090 acres of public domain mineral estate associated with the acquired land to be withdrawn from the general mining laws.

In conclusion, Mr. President, this bill provides for the transfer of public domain lands to the Secretaries of the appropriate military service to complete the acquisitions at both installations as authorized by previous Acts of Congress. The consolidation of these lands as real property with the surrounding military acquired lands would provide a common management situation for the Military Service. This should serve to increase the efficiency and effectiveness of their range operations and natural resource management.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD following my statement.

There being no objection the bill was ordered to be printed in the RECORD, as follows:

S. 2757

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LAND TRANSFER AND WITHDRAWAL, MELROSE AIR FORCE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON.**

(a) MELROSE AIR FORCE RANGE, NEW MEXICO.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Air Force:

NEW MEXICO PRIME MERIDIAN

T. 1 N., R. 30 E.
Sec. 2: S½.
Sec. 11: All.
Sec. 20: S½SE¼.
Sec. 28: All.
T. 1 S., R. 30 E.
Sec. 2: Lots 1–12, S½.
Sec. 3: Lots 1–12, S½.
Sec. 4: Lots 1–12, S½.
Sec. 6: Lots 1 and 2.
Sec. 9: N½, N½S½.
Sec. 10: N½, N½S½.
Sec. 11: N½, N½S½.
T. 2 N., R. 30 E.
Sec. 20: E½SE¼.
Sec. 21: SW¼, W½SE¼.
Sec. 28: W½E½, W½.
Sec. 29: E½E½.
Sec. 32: E½E½.
Sec. 33: W½E½, NW¼, S½SW¼.
Aggregating 6,713.90 acres, more or less.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) is withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.).

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Air Force may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraph (1), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction

needs on Melrose Air Force Range, New Mexico.

(b) YAKIMA TRAINING CENTER, WASHINGTON.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Army:

WILLAMETTE MERIDIAN

T. 17 N., R. 20 E.
Sec. 22: S½.
Sec. 24: S½SW¼ and that portion of the E½ lying south of the Interstate Highway 90 right-of-way.
Sec. 26: All.
T. 16 N., R. 21 E.
Sec. 4: SW¼SW¼.
Sec. 12: SW¼.
Sec. 18: Lots 1, 2, 3, and 4, E½ and E½W½.
T. 17 N., R. 21 E.
Sec. 30: Lots 3 and 4.
Sec. 32: NE¼SE¼.
T. 16 N., R. 22 E.
Sec. 2: Lots 1, 2, 3, and 4, S½N½ and S½.
Sec. 4: Lots 1, 2, 3, and 4, S½N½ and S½.
Sec. 10: All.
Sec. 14: All.
Sec. 20: SE¼SW¼.
Sec. 22: All.
Sec. 26: N½.
Sec. 28: N½.
T. 16 N., R. 23 E.
Sec. 18: Lots 3 and 4, E½SW¼, W½SE¼, and that portion of the E½SE¼ lying westerly of the westerly right-of-way line of Huntzinger Road.
Sec. 20: That portion of the SW¼ lying westerly of the easterly right-of-way line of the railroad.
Sec. 30: Lots 1 and 2, NE¼ and E½NW¼.
Aggregating 6,640.02 acres.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) and of the following lands are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.):

WILLAMETTE MERIDIAN

T. 16 N., R. 20 E.
Sec. 12: All.
Sec. 18: Lot 4 and SE¼.
Sec. 20: S½.
T. 16 N., R. 21 E.
Sec. 4: Lots 1, 2, 3, and 4, S½NE½.
Sec. 8: All.
T. 16 N., R. 22 E.
Sec. 12: All.
T. 17 N., R. 21 E.
Sec. 32: S½SE¼.
Sec. 34: W½.
Aggregating 3,090.80 acres.

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Army may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraphs (1) and (3), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Yakima Training Center, Washington.

By Mr. GRAHAM (for himself, Mr. BRYAN, Mr. ROBB, Mr. CONRAD, Mr. L. CHAFEE, Mr. BAUCUS, Mr. ROCKFELLER, and Mrs. LINCOLN):

S. 2758. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the Medicare Program; to the Committee on Finance.

THE MEDICARE OUTPATIENT DRUG ACT (THE MOD ACT)

Mr. GRAHAM. Mr. President, I rise today with Senators BRYAN, ROBB, CONRAD, CHAFEE, BAUCUS, ROCKEFELLER, and LINCOLN to introduce the Medicare Outpatient Drug Act of 2000.

We are all aware of the fundamental changes in Americans' life expectancy throughout the century. When Medicare was created in 1965, the average life expectancy for a woman who reached the age of 65 was 80 and for a man 78 years of age. In 1998, the life expectancy jumped to 84 years for a woman and 81 for a man. Projections for the year 2100 assume that the average life span for an individual who reaches 65 will be 94 years for a woman and 91 for a man.

These statistics paint a clear picture—seniors are living longer and to ensure their quality of life, they must have guaranteed access to prescription medications. The Republicans say that they want a prescription drug benefit. The Democrats say that they want a prescription drug benefit. The question facing both parties is this: Do they really want a benefit or just an election year bully pulpit? If the answer is a benefit, we're here today to help.

On far too many occasions in the last few years, important legislation has been knocked off the tracks by election year, partisan train wrecks. We hope that this year can be different. That is why we are offering a new Medicare prescription drug benefit—one that we believe represents a workable compromise between the Democratic and Republican positions.

Our Proposal—the Medicare Outpatient Drug Act of 2000—is centrist. It is bipartisan. It is innovative. And we think it can pass Congress this year. I must mention that this effort has been a truly collaborative one from start to finish. The MOD Act has several key components:

Universality—access for everyone;

Consistency—keeps with the important tradition of the Medicare program by providing a defined, reliable benefit for all seniors alike. A senior in Fargo, North Dakota is assured access to the same defined benefit structure as a senior in Miami, Florida;

Voluntary participation, like Medicare Part B;

Special protections for low income Americans;

True stop-loss protection, which ensures seamless insurance without gaps in coverage;

A ramp-up payment system, which decreases beneficiary payments based on their increased prescription medication needs; and

The use of Multiple Pharmacy Benefit Managers (PBMs) to administer the benefit and promote competition and choice.

For many years I have spoken about the need to move the Medicare program from one based on acute care and illness to one focused on prevention and wellness. The Medicare Wellness Act of 2000, of which many of my colleague are cosponsors and which ensures seniors access to a variety of preventive programs and screenings, represents the first piece of this puzzle—The MOD Act represents the second step in my three-point plan for accomplishing this goal.

Prescription drugs are an integral part of health care and must be integrated in to the current Medicare system as a defined benefit—not as an ''add on.'' It is my understanding that the House Republicans have proposed a bill that entrusts the private insurance market to provide a prescription drug benefit to seniors. Though, on the surface these ideals have appeal and they are initially less expensive or claim to be ''more flexible'' than a comprehensive, universal benefit, I find myself asking the question: Are there other Medicare benefits that are or should be treated in this capacity?

Let's take the example of physician services, for example, anesthesiology services. Would we ask private insurance companies to create anesthesiology-only insurance packages? Would beneficiaries purchase such policies? Would they be available? What would be the result of extricating this benefit from the Medicare program.

With prescription drugs representing one of the most prevalent treatments in health care today—I ask myself, ''Is it wise to look toward an approach to providing coverage of prescritpion medication which is arguably unworkable in everyother sector of medicine?''

Leaders in the health insurance industry have stated that ''Lawmakers should avoid drug insurance-only coverage, which is unlikely to get off the ground and which would be impossible to price affordably.'' The MOD Act creates a defined, affordable, consistent prescription drug benefit within the Medicare system where it should be.

The third piece to solving the Medicare puzzle lies in the need to give the Medicare program the tools to compete in the current health care market place. My colleagues and I will soon be introducing a reform bill that will have the dual effect of providing significant savings to offset the bill that we are introducing today.

I encourage my colleagues to join us in cosponsoring this important piece of legislation.

Mr. BRYAN. Mr. President, I am very pleased to join my colleagues in unveiling this important bipartisan legislation. Our proposal to offer a prescription drug benefit for all Medicare beneficiaries is sound, comprehensive, and workable.

We are introducing this bill for a very simple reason: the majority of Medicare beneficiaries lack meaningful prescription drug coverage, and we have an historic opportunity to do something about.

The inadequacy of the current Medicare benefits package is clear. It simply does not make sense for a health insurance program to exclude coverage of one of the most critical components of health care.

In 1996, 90 percent of Medicare beneficiaries had at least one chronic condition; drugs are frequently the best way to manage those conditions. Why offer hospitalization and physician visits to treat high blood pressure, heart problems, and depression, but not one of the most effective treatment options?

Many Medicare beneficiaries are faced with the choice of paying extremely high prices at retail outlets—much higher than the prices paid by those with coverage—or going without medically necessary prescription drug.

With bipartisan support and unprecedented budget surpluses we can give our seniors and those with disabilities another choice: to enroll in a Medicare prescription drug plan that is guaranteed to be accessible and affordable.

What should this plan look life? The Medicare Outpatient Drug Act contains several important provisions:

First, it provides prescription drugs as a defined, comprehensive and integral component of the Medicare Program. We need to be able to say exactly what we are promising seniors, and we need to make sure they will get it—the only way to do that is to include it in the basic Medicare benefits package along with everything else.

Relying on private insurers to offer this benefit ''would result in a false promise'' to use the words of the President of the HIAA.

Second, our bill provides the greatest help to those with the greatest need—beneficiaries with the lowest incomes and the highest drug expenditures.

We do that by providing additional subsidies for those with the lowest-incomes, increasing the government's share of coinsurance as the beneficiaries out-of-pocket costs increase, and income-relating the premium for high-income beneficiaries.

The bottom line: all seniors will be guaranteed access to affordable drugs, and will have the peace of mind of knowing that full coverage is provided for any and all expenses above $4000.

Third, ''The Medicare Outpatient Drug Act'' encourages maximum competition to achieve the greatest discounts, and uses the private sector to deliver and manage the benefit.

Finally, it is consistent with the need to strengthen and modernize the Medicare program overall. Providing drug coverage is the first step, but more work is needed. We will be introducing legislation soon that takes the next steps.

The bill we are offering today bridges the gap between the proposals offered by the President and the House GOP.

It gives beneficiaries what they need: long-overdue coverage of prescription drugs, and also injects competition into the program and provides choices for beneficiaries.

This is the first bill to offer universal, guaranteed, affordable, fully-defined comprehensive coverage—no limits, not gaps, no gimmicks.

Beneficiaries will know what they are getting, and they will know without a doubt that the benefit will actually be provided.

''The Medicare Outpatient Drug Act'' is not a tough call. It will accomplish our goals of providing affordable, accessible coverage, and it will work.

This is legislation that Congress should enact this year. I look forward to working with my colleagues on both sides of the aisle to ensure that we do just that.

Mr. ROBB. Mr. President, 2 weeks ago, at a health care forum I sponsored in Virginia, a doctor told me of a woman with breast cancer splitting her Tamoxofin pills with two other breast cancer patients, because the drug was so expensive that the other two couldn't afford it. This is a touching story from the perspective of a woman trying to help two peers, but from a health care perspective, it's an abomination. Not only does splitting a dose for one person into three negate the effects of the drug for all three women, but the lack of access to this drug only makes them sicker.

Unfortunately, stories like these are all too common today. Modern medicine has become more and more dependent on prescription drugs, yet the Medicare program, which provides health care for our nation's elderly and disabled, has not changed with the times. As a result, Medicare often finds itself in the position of paying for expensive hospital care, yet not paying for the prescription drugs that could help keep a patient out of the hospital. And as prescription drugs become more essential to seniors' health care, we hear many stories like the one I've told you today.

It's time we did something to change this. While over 90 percent of private sector employees with employer-based health insurance have prescription drug coverage, the 38 million Medicare beneficiaries in America today have no basic prescription drug benefit. At the same time, the average Medicare beneficiary fills eighteen prescriptions each year, and will have an estimated average annual drug cost of nearly $1,100 in 2000. We have an obligation to our seniors, and future generations of seniors, to strengthen and modernize Medicare by adding a prescription drug benefit.

Unfortunately, both the House and Senate have made little progress toward passing a drug benefit this year. By and large, moderate, bipartisan solutions have been absent from the debate.

I am pleased to join my colleagues Senator GRAHAM, Senator BRYAN, Senator CONRAD, Senator CHAFEE and Senator BAUCUS in introducing a bill which we believe will break this logjam, the Medicare Outpatient Drug Act, or MOD Act, of 2000. In crafting the MOD Act, we have combined the best elements of insurance-based plans—which aim to promote competition and innovation—and the President's plan—which offers a dependable, universal benefit to all seniors. The result is a bill that all sides should be able to agree on.

Like the President's plan, our bill will offer a defined Medicare benefit that will be available to all seniors, regardless of their health status or place of residence. But unlike the President's plan, our bill will allow private entities to compete for Medicare beneficiaries—allowing seniors and the disabled to choose from a variety of options that are custom-tailored to their specific prescription drug needs.

Moreover, the MOD Act is the first prescription drug bill to offer Medicare beneficiaries a comprehensive drug benefit, with no gaps in coverage, and full protection against sky-high out-of-pocket costs. The MOD Act gradually increases its level of coverage as beneficiaries get sicker, so that the greatest assistance is devoted to those who need it most.

There is only a handful of legislative days left in the Senate this year, and if we're going to get anything done on the prescription drug front, we'll have to settle on a proposal that is moderate and bipartisan. The Medicare Outpatient Drug Act is that bill, and I urge each of my colleagues to give it their full support.

Mr. L. CHAFEE. Mr. President, I am pleased to join Senators GRAHAM, BRYAN, ROBB, CONRAD, and BAUCUS in introducing the Medicare Outpatient Drug (MOD) Act of 2000 today.

The Medicare Outpatient Drug Act addresses an area of great concern to our nation's seniors: the need for a Medicare prescription drug benefit. Seniors today are facing staggering and burdensome drug prices. Studies show that the average American over 65 spends more than $700 per year on drug prescriptions. In Rhode Island, seniors pay twice as much for certain prescription drugs as the drug companies' most favored customers (for example, Medicaid and the Veteran's Administration). On average, Rhode Island seniors pay 84 percent more than prescription drug consumers in Canada or Mexico.

We must update the Medicare program to include a prescription drug benefit. This bipartisan, comprehensive bill will provide universal coverage to all 39 million Medicare beneficiaries in this country. As you know, Medicare was established in 1965 at a time when prescription drugs were not widely used. These days, drug therapies have replaced overnight stays in hospitals and long convalescence in nursing facilities. In light of this, we must update the Medicare program to keep pace with these scientific and medical advances.

This legislation does many things that other legislative proposals do not. First, it provides universal coverage on a voluntary basis to every Medicare-eligible individual. Second, it is based on a standard insurance model, with coinsurance, a deductible, and a defined stop-loss benefit. In other words, once a senior pays $4,000 in annual drug costs, our plan covers the rest. Third, the amount of a senior's premium would be directly related to his/her income, on a sliding scale. In other words, the lowest-income senior will receive the greatest subsidy. Conversely, the highest-income senior will receive the lowest federal subsidy.

Finally, this legislation emulates market-based insurance coverage by allowing multiple ''pharmacy benefit managers'' (PBMs) to contract with Medicare to provide the pharmaceutical benefit to seniors. This would ensure competition in the delivery of this benefit, which means a better benefit and lower prices for consumers. This competition would also prevent the government from ''setting'' drug prices. In my view, price setting would weaken the ability of pharmaceutical companies to conduct valuable research and development into new drug therapies that one day may cure diseases such as cancer, Parkinson's Alzheimer's, diabetes, and HIV/AIDS.

In sum, I believe our proposal to be one of the most responsible and comprehensive drug bills in Congress. It achieves these twin goals while relieving seniors of the huge burden of high drug bills. Seniors should never have to choose between filling a prescription for needed medication or buying groceries. Sadly, this is often the case today.

This past April, I received a letter from an elderly couple in Rhode Island, with a list of their prescription drug expenses for 1999 enclosed. This couple spent almost $7,000 in 1999 on these prescriptions. They are living on a fixed income, and told me that their savings are being wiped out by the high cost of prescription medications. In addition, the grandmother of one of my staffers cannot afford Prilosec, which she needs to prevent nausea. She cannot hold down food without this drug. This grandmother has to get her Prilosec prescription from her daughter, who has it prescribed and then ships it to her mother.

This should not be happening. Our bill will ensure that these seniors will get the prescription medications they need without having to wipe out their personal savings or resort to getting the prescription through a relative.

I urge my colleagues to join us in supporting this important legislation and finally provide this necessary medical coverage to our nation's seniors.

## ADDITIONAL COSPONSORS

S. 190

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 190, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 1036

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1941

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2125

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2125, a bill to provide for the disclosure of certain information relating to tobacco products and to prescribe labels for packages and advertising of tobacco products.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2358

At the request of Mr. INHOFE, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Mississippi (Mr. COCHRAN), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2358, a bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2417

At the request of Mr. CRAPO, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2516

At the request of Mr. THURMOND, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2585

At the request of Mr. GRAHAM, the names of the Senator from Connecticut

(Mr. DODD), the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2635

At the request of Mr. FRIST, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2635, a bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women.

S. 2690

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2690, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 2696

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2696, a bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes.

S. 2735

At the request of Mr. CONRAD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2735, a bill to promote access to health care services in rural areas.

S.RES. 268

At the request of Mr. EDWARDS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 268, a resolution designating July 17 through July 23 as ''National Fragile X Awareness Week.''

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from West Virginia (Mr. BYRD), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as ''National Airborne Day.''

S. RES. 303

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Res. 303, a resolution expressing the sense of the Senate regarding the treatment by the Russian Federation of Andrei Babitsky, a Russian journalist working for Radio Free Europe/Radio Liberty.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

S. RES. 309

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Res. 309, a resolution expressing the sense of the Senate regarding conditions in Laos.

AMENDMENT NO. 3252

At the request of Mrs. MURRAY, the names of the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3252 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3473

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 3473 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## SENATE RESOLUTION 324—TO COMMEND AND CONGRATULATE THE LOS ANGELES LAKERS FOR THEIR OUTSTANDING DRIVE, DISCIPLINE, AND MASTERY IN WINNING THE 2000 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas the Los Angeles Lakers are one of the greatest sports franchises ever;

Whereas the Los Angeles Lakers have won 12 National Basketball Association Championships;

Whereas the Los Angeles Lakers are the second winningest team in National Basketball Association history;

Whereas the Los Angeles Lakers, at 67–15, posted the best regular season record in the National Basketball Association;

Whereas the Los Angeles Lakers have fielded such superstars as George Mikan, Wilt Chamberlain, Jerry West, Elgin Baylor, Kareem Abdul-Jabbar, Earvin ''Magic'' Johnson, and now, Shaquille O'Neal and Kobe Bryant;

Whereas Shaquille O'Neal led the league in scoring and field goal percentage on his way to winning the National Basketball Association's Most Valuable Player award, winning the IBM Award for greatest overall contribution to a team, and becoming just the sixth player in the history of the game to be a unanimous selection to the All-National Basketball Association First Team;

Whereas Shaquille O'Neal was named Most Valuable Player of the 2000 All Star game, scoring 22 points and collecting 9 rebounds;

Whereas Shaquille O'Neal dominated the 2000, playoffs averaging 38 points per game and winning the Most Valuable Player award in the National Basketball Association Finals;

Whereas Kobe Bryant overcame injuries to average more than 22 points a game in the regular season and be named to the National Basketball Association All-Defensive First Team;

Whereas Kobe Bryant's 8-point performance in the overtime of Game 4 led the Los Angeles Lakers to 1 of the most dramatic wins in playoff history;

Whereas Coach Phil Jackson, who has won 7 National Basketball Association rings and the highest playoff winning percentage in league history, has proven to be 1 of the most innovative and adaptable coaches in the National Basketball Association;

Whereas the Los Angeles Lakers epitomize Los Angeles pride with their determination, heart, stamina, and amazing comeback ability;

Whereas the support of all the Los Angeles fans and the people of California helped make winning the National Basketball Association Championship possible; and

Whereas the Los Angeles Lakers have started the 21st century meeting the high standards they established in the 20th century: Now, therefore, be it

*Resolved,* That the United States Senate congratulates the Los Angeles Lakers on winning the 2000 National Basketball Association Championship Title.

## SENATE RESOLUTION 325—WELCOMING KING MOHAMMED VI OF MOROCCO UPON HIS FIRST OFFICIAL VISIT TO THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. ABRAHAM submitted the following resolution; which was considered and agreed to:

S. RES. 325

Whereas Morocco was the first country to recognize the independence of the United States;

Whereas Morocco and the United States signed a Treaty of Friendship and Cooperation in 1787;

Whereas the Treaty of Friendship and Cooperation stands as the basis for the longest unbroken treaty relationship between the United States and a foreign country in the history of the Republic;

Whereas the Treaty of Friendship and Cooperation has established a close, friendly, and productive alliance between the United States and Morocco that has stood the test of history and exists today;

Whereas the close relationship between the United States and Morocco has helped the United States advance important national interests;

Whereas the United States and Morocco have long shared the objectives of securing a true and lasting peace in the Near East region and have worked together to establish and advance the Middle East peace process;

Whereas, under the leadership of the late King Hassan II, Morocco played a critical role in hosting meetings, promoting dialogue, and encouraging moderation in the Middle East, leading to some of the peace process's most important and lasting achievements;

Whereas, with the ascension of the King Hassan II's successor, King Mohammed VI, Morocco is suitably positioned and ably guided by its current leadership to maintain its traditional role in the peace process;

Whereas Morocco and the United States have worked successfully to enhance economic stability, growth, and progress in the Maghreb region and its environs, including Morocco's role as host to the inaugural Middle East and North Africa Summit held in Casablanca in 1994, and Morocco's continuing prominence in sustaining that dialogue and promoting economic integration with Tunisia and Algeria;

Whereas King Mohammed VI has assumed and expanded the legacy of his father, the late Hassan II, in strengthening the rule of law, promoting the concepts of democracy, human rights and individual liberties, and implementing far-reaching economic and social reforms to benefit all of the people of Morocco;

Whereas the preservation of the rights and freedoms of the Moroccan people and the expansion of reforms in Morocco represent a model for progress and bolster the foreign policy objectives of the United States in the region and elsewhere;

Whereas leading American corporations such as the CMS Energy Corporation, the Boeing Company, the Goodyear Tire and Rubber Company, the Gillette Company, and others are responsible for substantial and increasingly higher levels of trade, investment, and commerce between the United States and Morocco, involving increasingly diverse sectors of the Moroccan and American economies;

Whereas the expansion of economic activity is emerging as a new and increasingly important component of the historical friendship between the United States and Morocco, and is helping to strengthen the fabric of the bilateral relationship and to sustain it throughout the 21st century and beyond;

Whereas the people of the United States and Morocco have long enjoyed fruitful exchanges in fields such as culture, education, politics, science, business, and industry, and Americans of Moroccan origin are making substantial contributions to these and other disciplines in the United States; and

Whereas Morocco and the United States are preparing for the first official visit to the United States by King Mohammed VI to highlight these and other achievements, to celebrate the long history of warm and friendly ties between the two countries, to continue discussions on how to advance and accelerate those objectives common to the United States and Morocco, and to inaugurate a new chapter in the longest unbroken treaty relationship in the history of the United States: Now, therefore, be it

*Resolved,*

**SECTION 1. SENSE OF THE SENATE ON THE VISIT OF KING MOHAMMED VI OF MOROCCO TO THE UNITED STATES.**

The Senate hereby—

(1) welcomes His Majesty King Mohammed VI of Morocco upon his first official visit to the United States;

(2) reaffirms the longstanding, warm, and productive ties between the United States and the Kingdom of Morocco, as established by the Treaty of Friendship and Cooperation of 1787;

(3) pledges its commitment to expand ties between the United States and Morocco, to the mutual benefit of both countries; and

(4) expresses its appreciation to the leadership and people of Morocco for their role in preserving international peace and stability, expanding growth and development in the region, promoting bilateral trade and investment between the United States and Morocco, and advancing democracy, human rights, and justice.

**SEC. 2. TRANSMITTAL OF RESOLUTION.**

The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to King Mohammed VI of Morocco.

## AMENDMENTS SUBMITTED

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

### DODD AMENDMENT NO. 3475

Mr. DODD proposed an amendment to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 462, between lines 2 and 3, insert the following:

**SEC. ___. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON CUBA.**

(a) SHORT TITLE.—This section may be cited as the ''National Bipartisan Commission on Cuba Act of 2000''.

(b) PURPOSES.—The purposes of this section are to—

(1) address the serious long-term problems in the relations between the United States and Cuba; and

(2) help build the necessary national consensus on a comprehensive United States policy with respect to Cuba.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Bipartisan Commission on Cuba (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall be composed of 12 members, who shall be appointed as follows:

(A) Three individuals to be appointed by the President pro tempore of the Senate, of whom two shall be appointed upon the recommendation of the Majority Leader of the Senate and of whom one shall be appointed upon the recommendation of the Minority Leader of the Senate.

(B) Three individuals to be appointed by the Speaker of the House of Representatives, of whom two shall be appointed upon the recommendation of the Majority Leader of the House of Representatives and of whom one shall be appointed upon the recommendation of the Minority Leader of the House of Representatives.

(C) Six individuals to be appointed by the President.

(3) SELECTION OF MEMBERS.—Members of the Commission shall be selected from among distinguished Americans in the private sector who are experienced in the field of international relations, especially Cuban affairs and United States-Cuban relations, and shall include representatives from a cross-section of United States interests, including human rights, religion, public health, military, business, agriculture, and the Cuban-American community.

(4) DESIGNATION OF CHAIR.—The President shall designate a Chair from among the members of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of the Chair.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(7) VACANCIES.—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) DUTIES AND POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall be responsible for an examination and documentation of the specific achievements of United States policy with respect to Cuba and an evaluation of—

(A) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in support of acts of international terrorism and the trafficking of illegal drugs;

(B) the indemnification of losses incurred by United States certified claimants with confiscated property in Cuba; and

(C) the domestic and international impacts of the 39-year-old United States economic, trade and travel embargo against Cuba on—

(i) the relations of the United States with allies of the United States;

(ii) the political strength of Fidel Castro;

(iii) the condition of human rights, religious freedom, and freedom of the press in Cuba;

(iv) the health and welfare of the Cuban people;

(v) the Cuban economy; and

(vi) the United States economy, business, and jobs.

(2) CONSULTATION RESPONSIBILITIES.—In carrying out its duties under paragraph (1), the Commission shall consult with governmental leaders of countries substantially impacted by the current state of United States-Cuban relations, particularly countries impacted by the United States trade embargo against Cuba, and with the leaders of nongovernmental organizations operating in those countries.

(3) POWERS OF THE COMMISSION.—The Commission may, for the purpose of carrying out its duties under this subsection, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence as the Commission considers advisable to carry out the provisions of this section.

(e) REPORT OF THE COMMISSION.—

(1) IN GENERAL.—Not later than 225 days after the date of enactment of this Act, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under subsection (d).

(2) CLASSIFIED FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, together with a classified annex, if necessary.

(3) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include the

individual or dissenting views of the member in the report required by paragraph (1).

(f) ADMINISTRATION.—

(1) COOPERATION BY OTHER FEDERAL AGENCIES.—The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for purposes of carrying out its functions.

(2) COMPENSATION.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Commission.

(3) ADMINISTRATIVE SUPPORT.—The Secretary of State shall, to the extent permitted by law, provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

(g) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act shall not apply to the Commission to the extent that the provisions of this section are inconsistent with that Act.

(h) TERMINATION DATE.—The Commission shall terminate 60 days after submission of the report required by subsection (e).

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

### BAUCUS (AND ROBERTS) AMENDMENT NO. 3476

(Ordered to lie on the table.)

Mr. BAUCUS (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by them to the bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 140, between lines 19 and 20, insert the following:

**SEC. ___. USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP.**

Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

### WARNER (AND OTHERS) AMENDMENT NO. 3477

Mr. WARNER (for himself, Mr. STEVENS, and Mr. INOUYE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

**SEC. 222. JOINT TECHNOLOGY INFORMATION CENTER INITIATIVE.**

Of the amount authorized to be appropriated under section 201(4)—

(1) $20,000,000 shall be available for the Joint Technology Information Center Initiative; and

(2) the amount provided for cyber attack sensing and warning under the information systems security program (account 0303140G) is reduced by $20,000,000.

### LEVIN (AND LANDRIEU) AMENDMENT NO. 3478

Mr. LEVIN (for himself and Ms. LANDRIEU) proposed an amendment to the bill S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

**SEC. 1210. UNITED STATES-RUSSIAN FEDERATION JOINT DATA EXCHANGE CENTER ON EARLY WARNING SYSTEMS AND NOTIFICATION OF MISSILE LAUNCHES.**

(a) AUTHORITY.—The Secretary of Defense is authorized to establish, in conjunction with the Government of the Russian Federation, a United States-Russian Federation joint center for the exchange of data from early warning systems and for notification of missile launches.

(b) SPECIFIC ACTIONS.—The actions that the Secretary jointly undertakes for the establishment of the center may include the renovation of a mutually agreed upon facility to be made available by the Russian Federation and the provision of such equipment and supplies as may be necessary to commence the operation of the center.

### MCCAIN AMENDMENT NO. 3479

Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 2549, supra; as follows:

On page 239, after line 22, insert the following:

**SEC. 656. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS APPROVED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.**

(a) ENTITLEMENT OF FORMER PRISONERS OF WAR.—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay back pay to a claimant who, by reason of being interned as a prisoner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the claimant was approved.

(b) PROPER CLAIMANT FOR DECEASED FORMER MEMBER.—In the case of a person described in subsection (a) who is deceased, the back pay for that deceased person under this section shall be paid to a member or members of the family of the deceased person determined appropriate in the same manner as is provided in section 6(c) of the War Claims Act of 1948 (50 U.S.C. App. 2005(c)).

(c) AMOUNT OF BACK PAY.—The amount of back pay payable to or for a person described in subsection (a) is the amount equal to the excess of—

(1) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps if the person had been promoted on the date on which the promotion was approved, over

(2) the total amount of basic pay that was paid to or for that person for such service on and after that date.

(d) TIME LIMITATIONS.—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of Defense within two years after the effective date of the regulations implementing this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section. Such regulations shall be prescribed not later than six months after the date of the enactment of this Act.

(f) LIMITATION ON DISBURSEMENT.—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment under this section may be made only to each person who is eligible for the payment under subsection (a) or (b) and only—

(A) upon the appearance of that person, in person, at any designated disbursement office in the United States or its territories; or

(B) at such other location or in such other manner as that person may request in writing.

(2) In the case of a claim approved for payment but not disbursed as a result of operation of paragraph (1), the Secretary of Defense shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) OUTREACH.—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a timely manner to the maximum number of eligible persons practicable.

(i) DEFINITION.—In this section, the term ''World War II'' has the meaning given the term in section 101(8) of title 38, United States Code.

### DURBIN (AND OTHERS) AMENDMENT NO. 3480

Mr. LEVIN (for Mr. DURBIN (for himself, Mr. AKAKA, and Mr. VOINOVICH)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

**SEC. 1061. STUDENT LOAN REPAYMENT PROGRAMS.**

(a) STUDENT LOANS.—Section 5379(a)(1)(B) of title 5, United States Code, is amended—

(1) in clause (i), by inserting ''(20 U.S.C. 1071 et seq.)'' before the semicolon;

(2) in clause (ii), by striking ''part E of title IV of the Higher Education Act of 1965'' and inserting ''part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq., 1087aa et seq.)''; and

(3) in clause (iii), by striking ''part C of title VII of Public Health Service Act or under part B of title VIII of such Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) or under part E of title VIII of such Act (42 U.S.C. 297a et seq.)''.

(b) PERSONNEL COVERED.—

(1) INELIGIBLE PERSONNEL.—Section 5379(a)(2) of title 5, United States Code, is amended to read as follows:

''(2) An employee shall be ineligible for benefits under this section if the employee occupies a position that is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.''.

(2) PERSONNEL RECRUITED OR RETAINED.—Section 5379(b)(1) of title 5, United States Code, is amended by striking ''professional, technical, or administrative''.

(c) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Personnel Management (referred to in this section as the ''Director'') shall issue proposed regulations under section 5379(g) of title 5, United States Code. The Director shall provide for a period of not less than 60 days for public comment on the regulations.

(2) FINAL REGULATIONS.—Not later than 240 days after the date of enactment of this Act, the Director shall issue final regulations described in paragraph (1).

(d) ANNUAL REPORTS.—Section 5379 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) Each head of an agency shall maintain, and annually submit to the Director of the Office of Personnel Management, information with respect to the agency on—

''(A) the number of Federal employees selected to receive benefits under this section;

''(B) the job classifications for the recipients; and

''(C) the cost to the Federal Government of providing the benefits.

''(2) The Director of the Office of Personnel Management shall prepare, and annually submit to Congress, a report containing the information submitted under paragraph (1), and information identifying the agencies that have provided the benefits described in paragraph (1).''.

---

## DEWINE (AND OTHERS) AMENDMENT NO. 3481

Mr. WARNER (for Mr. DEWINE (for himself, Mrs. HUTCHISON, Mr. GRASSLEY, Mr. BREAUX, Ms. LANDRIEU, Mr. MACK, Mr. GRAHAM, and Mr. COVERDELL)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

**SEC. 313. TETHERED AEROSTAT RADAR SYSTEM (TARS) SITES.**

(a) FINDINGS.—Congress makes the following findings:

(1) Failure to operate and standardize the current Tethered Aerostat Radar System (TARS) sites along the Southwest border of the United States and the Gulf of Mexico will result in a degradation of the counterdrug capability of the United States.

(2) Most of the illicit drugs consumed in the United States enter the United States through the Southwest border, the Gulf of Mexico, and Florida.

(3) The Tethered Aerostat Radar System is a critical component of the counterdrug mission of the United States relating to the detection and apprehension of drug traffickers.

(4) Preservation of the current Tethered Aerostat Radar System network compels drug traffickers to transport illicit narcotics into the United States by more risky and hazardous routes.

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(20) for Drug Interdiction and Counter-drug Activities, Defense-wide, up to $33,000,000 may be made available to Drug Enforcement Policy Support (DEP&S) for purposes of maintaining operations of the 11 current Tethered Aerostat Radar System (TARS) sites and completing the standardization of such sites located along the Southwest border of the United States and in the States bordering the Gulf of Mexico.

---

## LANDRIEU AMENDMENT NO. 3482

Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 32, after line 24, add the following:

**SEC. 142. INTEGRATED BRIDGE SYSTEMS FOR NAVAL SYSTEMS SPECIAL WARFARE RIGID INFLATABLE BOATS AND HIGH-SPEED ASSAULT CRAFT.**

(a) INCREASE IN AUTHORIZATION FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104 for procurement, Defense-wide, is hereby increased by $7,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 104, as increased by subsection (a), $7,000,000 shall be available for the procurement and installation of integrated bridge systems for naval systems special warfare rigid inflatable boats and high-speed assault craft for special operations forces.

(c) OFFSET.—The amount authorized to be appropriated by section 103(4), for other procurement for the Air Force, is hereby reduced by $7,000,000.

---

## INHOFE AMENDMENT NO. 3483

Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

**SEC. 222. AMMUNITION RISK ANALYSIS CAPABILITIES.**

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Explosives Demilitarization Technology (PE603104D) is hereby increased by $5,000,000, with the amount of such increase available for research into ammunition risk analysis capabilities.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by $5,000,000.

---

## KERREY AMENDMENT NO. 3484

Mr. LEVIN (for Mr. KERREY) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 200, following line 23, add the following:

**SEC. 566. PREPARATION, PARTICIPATION, AND CONDUCT OF ATHLETIC COMPETITIONS AND SMALL ARMS COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.**

(a) PREPARATION AND PARTICIPATION OF MEMBERS GENERALLY.—Subsection (a) of section 504 of title 32, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) in paragraph (3)—

(A) by inserting ''prepare for and'' before ''participate''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) prepare for and participate in qualifying athletic competitions.''.

(b) CONDUCT OF COMPETITIONS.—That section is further amended by adding at the end the following new subsection:

''(c)(1) Units of the National Guard may conduct small arms competitions and athletic competitions in conjunction with training required under this chapter if such activities would meet the requirements set forth in paragraphs (1), (3), and (4) of section 508(a) of this title if such activities were services to be provided under that section.

''(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with activities under paragraph (1).''.

(c) AVAILABILITY OF FUNDS.—That section is further amended by adding at the end the following new subsection:

''(d) Subject to provisions of appropriations Acts, amounts appropriated for the National Guard may be used in order to cover the costs of activities under subsection (c) and of expenses of members of the National Guard under paragraphs (3) and (4) of subsection (a), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.''.

(d) QUALIFYING ATHLETIC COMPETITIONS DEFINED.—That section is further amended by adding at the end the following new subsection:

''(e) In this section, the term 'qualifying athletic competition' means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.''.

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

**''§ 504. National Guard schools; small arms competitions; athletic competitions''.**

(2) The table of sections at the beginning of chapter 5 of that title is amended by striking the item relating to section 504 and inserting the following new item:

''504. National Guard schools; small arms competitions; athletic competitions.''.

---

## VOINOVICH (AND DEWINE) AMENDMENT NO. 3485

Mr. WARNER (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 436, between lines 2 and 3, insert the following:

**SEC. 1114. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.**

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2001'' and inserting ''September 30, 2005''.

**SEC. 1115. EXTENSION, REVISION, AND EXPANSION OF AUTHORITIES FOR USE OF VOLUNTARY SEPARATION INCENTIVE PAY AND VOLUNTARY EARLY RETIREMENT.**

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 5597 of title 5, United States Code, is amended by striking ''September 30, 2003'' and inserting ''September 30, 2005''.

(b) REVISION AND ADDITION OF PURPOSES FOR DEPARTMENT OF DEFENSE VSIP.—Subsection (b) of such section is amended by inserting after ''transfer of function,'' the following: ''restructuring of the workforce (to meet mission needs, achieve one or more strength reductions, correct skill imbalances, or reduce the number of high-grade, managerial, or supervisory positions in accordance with the strategic plan required under section 1118 of the National Defense Authorization Act for Fiscal Year 2001),''.

(c) ELIGIBILITY.—Subsection (c) of such section is amended—

(1) in paragraph (2), by inserting ''objective and nonpersonal'' after ''similar''; and

(2) by adding at the end the following:

''A determination of which employees are within the scope of an offer of separation pay shall be made only on the basis of consistent and well-documented application of the relevant criteria.''.

(d) INSTALLMENT PAYMENTS.—Subsection (d) of such section is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) shall be paid in a lump-sum or in installments;'';

(2) by striking ''and'' at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(4) by adding at the end the following:

''(5) if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract, as described in subsection (g)(1).''.

(e) APPLICABILITY OF REPAYMENT REQUIREMENT TO REEMPLOYMENT UNDER PERSONAL SERVICES CONTRACTS.—Subsection (g)(1) of such section is amended by inserting after ''employment with the Government of the United States'' the following: '', or who commences work for an agency of the United States through a personal services contract with the United States,''.

**SEC. 1116. DEPARTMENT OF DEFENSE EMPLOYEE VOLUNTARY EARLY RETIREMENT AUTHORITY.**

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended—

(1) in subsection (d)(2), by inserting ''except in the case of an employee described in subsection (o)(1),'' after ''(2)''; and

(2) by adding at the end the following:

''(o)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

''(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

''(i) is separated from the service involuntarily other than for cause; and

''(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

''(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

''(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

''(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

''(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

''(C) The employee is serving under an appointment that is not limited by time.

''(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

''(i) One or more organizational units.

''(ii) One or more occupational groups, series, or levels.

''(iii) One or more geographical locations.

''(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

''(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

''(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office, upon the request of the Secretary of Defense; and

''(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

''(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

''(6) In this subsection, the term 'major organizational adjustment' means any of the following:

''(A) A major reorganization.

''(B) A major reduction in force.

''(C) A major transfer of function.

''(D) A workforce restructuring—

''(i) to meet mission needs;

''(ii) to achieve one or more reductions in strength;

''(iii) to correct skill imbalances; or

''(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended—

(1) in subsection (b)(1)(B), by inserting ''except in the case of an employee described in subsection (d)(1),'' after ''(B)''; and

(2) by adding at the end the following:

''(d)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

''(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

''(i) is separated from the service involuntarily other than for cause; and

''(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

''(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

''(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

''(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

''(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

''(C) The employee is serving under an appointment that is not limited by time.

''(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

''(i) One or more organizational units.

''(ii) One or more occupational groups, series, or levels.

''(iii) One or more geographical locations.

''(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

''(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

''(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office upon the request of the Secretary of Defense; and

''(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

''(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

''(6) In this subsection, the term 'major organizational adjustment' means any of the following:

''(A) A major reorganization.

''(B) A major reduction in force.

''(C) A major transfer of function.

''(D) A workforce restructuring—

''(i) to meet mission needs;

''(ii) to achieve one or more reductions in strength;

''(iii) to correct skill imbalances; or

''(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.''.

(c) CONFORMING AMENDMENTS.—(1) Section 8339(h) of such title is amended by striking out ''or ( j)'' in the first sentence and inserting ''( j), or (o)''.

(2) Section 8464(a)(1)(A)(i) of such title is amended by striking out ''or (b)(1)(B)'' and '', (b)(1)(B), or (d)''.

(d) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section—

(1) shall take effect on October 1, 2000; and

(2) shall apply with respect to an approval for voluntary early retirement made on or after that date.

**SEC. 1117. RESTRICTIONS ON PAYMENTS FOR ACADEMIC TRAINING.**

(a) SOURCES OF POSTSECONDARY EDUCATION.—Subsection (a) of section 4107 of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following:

''(3) any course of postsecondary education that is administered or conducted by an institution not accredited by a national or regional accrediting body (except in the case of a course or institution for which standards for accrediting do not exist or are determined by the head of the employee's agency as being inappropriate), regardless of whether the course is provided by means of classroom instruction, electronic instruction, or otherwise.''.

(b) WAIVER OF RESTRICTION ON DEGREE TRAINING.—Subsection (b)(1) of such section is amended by striking ''if necessary'' and all that follows through the end and inserting ''if the training provides an opportunity for an employee of the agency to obtain an academic degree pursuant to a planned, systematic, and coordinated program of professional development approved by the head of the agency.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—The heading for such section is amended to read as follows:

**''§ 4107. Restrictions''.**

(3) The item relating to such section in the table of sections at the beginning of chapter 41 of title 5, United States Code, is amended to read as follows:

''4107. Restrictions.''.

**SEC. 1118. STRATEGIC PLAN.**

(a) REQUIREMENT FOR PLAN.—Not later than six months after the date of the enactment of this Act, and before exercising any of the authorities provided or extended by the amendments made by sections 1115 through 1117, the Secretary of Defense shall submit to the appropriate committees of Congress a strategic plan for the exercise of such authorities. The plan shall include an estimate of the number of Department of Defense employees that would be affected by the uses of authorities as described in the plan.

(b) CONSISTENCY WITH DoD PERFORMANCE AND REVIEW STRATEGIC PLAN.—The strategic plan submitted under subsection (a) shall be consistent with the strategic plan of the Department of Defense that is in effect under section 306 of title 5, United States Code.

(c) APPROPRIATE COMMITTEES.—For the purposes of this section, the appropriate committees of Congress are as follows:

(1) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

(2) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

---

## BOXER AMENDMENT NO. 3486

Mr. LEVIN (for Mrs. BOXER) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 270, between lines 16 and 17, insert the following:

**SEC. 743. BLUE RIBBON ADVISORY PANEL ON DEPARTMENT OF DEFENSE POLICIES REGARDING THE PRIVACY OF INDIVIDUAL MEDICAL RECORDS.**

(a) ESTABLISHMENT.—(1) There is hereby established an advisory panel to be known as the Blue Ribbon Advisory Panel on Department of Defense Policies Regarding the Privacy of Individual Medical Records (in this section referred to as the ''Panel'').

(2)(A) The Panel shall be composed of 7 members appointed by the President, of whom—

(i) at least one shall be a member of a consumer organization;

(ii) at least one shall be a medical professional;

(iii) at least one shall have a background in medical ethics; and

(iv) at least one shall be a member of the Armed Forces.

(B) The appointments of the members of the Panel shall be made not later than 30 days after the date of the enactment of this Act.

(3) No later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting.

(4) The Panel shall select a Chairman and Vice Chairman from among its members.

(b) DUTIES.—(1) The Panel shall conduct a thorough study of all matters relating to the policies and practices of the Department of Defense regarding the privacy of individual medical records.

(2) Not later than April 30, 2001, the Panel shall submit a report to the President and Congress which shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for such legislation and administrative actions as it considers appropriate to ensure the privacy of individual medical records.

(c) POWERS.—(1) The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out the purposes of this section.

(2) The Panel may secure directly from the Department of Defense, and any other Federal department or agency, such information as the Panel considers necessary to carry out the provisions of this section. Upon request of the Chairman of the Panel, the Secretary of Defense, or the head of such department or agency, shall furnish such information to the Panel.

(3) The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) The Panel may accept, use, and dispose of gifts or donations of services or property.

(5) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) TERMINATION.—The Panel shall terminate 30 days after the date on which the Panel submits its report under subsection (b)(2).

(e) FUNDING.—(1) Of the amounts authorized to be appropriated by this Act, the Secretary shall make available to the Panel such sums as the Panel may require for its activities under this section.

(2) Any sums made available under paragraph (1) shall remain available, without fiscal year limitation, until expended.

## WARNER AMENDMEMT NO. 3487

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 353, between lines 15 and 16, insert the following:

**SEC. 914. EXPANSION OF AUTHORITY TO EXEMPT GEODETIC PRODUCTS OF THE DEPARTMENT OF DEFENSE FROM PUBLIC DISCLOSURE.**

Section 455(b)(1)(C) of title 10, United States Code, is amended by striking ''or reveal military operational or contingency plans'' and inserting '', reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities''.

---

## BINGAMAN AMENDMENT NO. 3488

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 2549, supra; as follows:

On page 31, after line 25, add the following:

**SEC. 132. CONVERSION OF AGM–65 MAVERICK MISSILES.**

(a) INCREASE IN AMOUNT.—The amount authorized to be appropriated by section 103(3) for procurement of missiles for the Air Force is hereby increased by $2,100,000.

(b) AVAILABILITY OF AMOUNT.—(1) Of the amount authorized to be appropriated by section 103(3), as increased by subsection (a), $2,100,000 shall be available for In-Service Missile Modifications for the purpose of the conversion of Maverick missiles in the AGM–65B and AGM–65G configurations to Maverick missiles in the AGM–65H and AGM–65K configurations.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force is hereby reduced by $2,100,000, with the amount of the reduction applicable to amounts available under that section for ALE–50 Code Decoys.

---

## SANTORUM AMENDMENT NO. 3489

Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 2549, supra; as follows:

On page 25, between lines 13 and 14, insert the following:

**SEC. 113. RAPID INTRAVENOUS INFUSION PUMPS.**

Of the amount authorized to be appropriated under section 101(5)—

(1) $6,000,000 shall be available for the procurement of rapid intravenous infusion pumps; and

(2) the amount provided for the family of medium tactical vehicles is hereby reduced by $6,000,000.

---

## WARNER AMENDMENT NO. 3490

Mr. WARNER proposed an amendment to the bill S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

**SEC. 313. MOUNTED URBAN COMBAT TRAINING SITE, FORT KNOX, KENTUCKY.**

Of the total amount authorized to be appropriated under section 301(1) for training range upgrades, $4,000,000 is available for the Mounted Urban Combat Training site, Fort Knox, Kentucky.

**SEC. 314. MK–45 OVERHAUL.**

Of the total amount authorized to be appropriated under section 301(1) for maintenance, $12,000,000 is available for overhaul of MK–45 5-inch guns.

---

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

---

### BINGAMAN (AND OTHERS) AMENDMENT NO. 3491

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. WARNER, Mr. ROBERTS, Mr. CLELAND, Mr. SMITH of New Hampshire, and Mr. HARKIN) submitted and amendment intended to be proposed by them to the bill, S. 2522, supra; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. 591. It is the sense of the Senate that nothing in this Act regarding the assistance provided to Estonia, Latvia, and Lithuania under the heading ''FOREIGN MILITARY FINANCING PROGRAM'' should be interpreted as expressing the sense of the Senate regarding an acceleration of the accession of Estonia, Latvia, or Lithuania to the North Atlantic Treaty Organization (NATO).

---

### SESSIONS AMENDMENT NO. 3492

Mr. SESSIONS proposed an amendment to the bill S. 2522, supra; as follows:

On page 144, strike line 22 and insert the following:

aiding and abetting these groups; and

(D) the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights, that are necessary to resolve effectively the conflicts with the armed insurgents that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

---

### BROWNBACK AMENDMENT NO. 3493

Mr. BROWNBACK proposed an amendment to the bill, S. 2522, supra; as follows:

At the appropriate place in the bill, insert the following:

**SEC. ___. AVAILABILITY OF APPROPRIATED FUNDS FOR INDIA.**

Funds appropriated by this Act (other than funds appropriated under the heading ''FOREIGN MILITARY FINANCING PROGRAM'') may be made available for assistance for India notwithstanding any other provision of law: *Provided*, That, for the purpose of this section, the term ''assistance'' includes any direct loan, credit, insurance, or guarantee of the Export-Import Bank of the United States or its agents: *Provided further*, That, during fiscal year 2001, section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)(E)) may not apply to India.

---

### NICKLES AMENDMENT NO. 3494

Mr. NICKLES submitted an amemdment intended to be proposed to the bill, S. 2522, supra; as follows:

On page 155, between lines 18 and 19, insert the following:

**SEC. 6107. CUSTOMS TRAINING AND STANDARDIZATION FACILITY.**

Of the funds appropriated under this chapter, $20,800,000 shall be made available to the United States Customs Service to establish a program to standardize aviation assets in order to enhance operational safety and facilitate uniformity in aviation training, to be headquartered at the Customs National Aviation Center at Will Rogers International Airport in Oklahoma City, Oklahoma, which shall also be the site for the 3 new light enforcement helicopters and any other assets or support facilities necessary for standardization of operation or training activities of the Customs Service Air Interdiction Division.

---

### MCCAIN AMENDMENT NO. 3495

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment to be proposed by him to the bill, S. 2522, supra; as follows:

On page 140, between lines 19 and 20, insert the following:

**SEC. ___. SENSE OF SENATE REGARDING ZIMBABWE.**

(a) FINDINGS.—The Senate finds that—

(1) people around the world supported the Republic of Zimbabwe's quest for independence, majority rule, and the protection of human rights and the rule of law;

(2) Zimbabwe, at the time of independence in 1980, showed bright prospects for democracy, economic development, and racial reconciliation;

(3) the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

(4) a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president's authorities to expropriate land without payment;

(5) the President of Zimbabwe has defied two high court decisions declaring land seizures to be illegal;

(6) previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

(7) recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

(8) violence has been directed toward individuals of all races;

(9) the ruling party and its supporters have specifically directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

(10) the offices of a leading independent newspaper in Zimbabwe have been bombed;

(11) the Government of Zimbabwe has not yet publicly condemned the recent violence;

(12) President Mugabe's statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

(13) 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

(14) the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe's economy;

(15) the economy is being further damaged by the Government of Zimbabwe's ongoing involvement in the war in the Democratic Republic of the Congo;

(16) the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

(17) events in Zimbabwe could threaten stability and economic development in the entire region.

(18) the Goverment of Zimbabwe has rejected international election observation delegation accreditation for United States-based nongovernmental organizations, including the International Republican Institute and National Democratic Institute, and is also denying accreditation for other nongovernmental organizations and election observers of certain specified nationalities.

(b) SENSE OF THE SENATE.—The Senate—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic and international election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation; and

(9) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

---

### SESSIONS AMENDMENT NO. 3496

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment to be proposed by him to the bill, S. 2522, supra; as follows:

On page 140, between lines 19 and 20, insert the following:

SENSE OF SENATE REGARDING THE INSURGENT CRISIS IN THE REPUBLIC OF COLOMBIA

SEC. 591. (a) FINDINGS.—The Senate makes the following findings:

(1) The armed conflict and resulting lawlessness and violence in Colombia present a danger to the security of the United States and the other nations in the Western Hemisphere and to law enforcement efforts intended to impede the flow of narcotics.

(2) Colombia is the second oldest democracy in the Western Hemisphere with a history of open and friendly relations with the United States.

(3) In 1998, two-way trade between the United States and Colombia was more than $11,000,000,000, making the United States Colombia's number one trading partner and Colombia the fifth largest market for United States exports in Latin America.

(4) Colombia is faced with multiple wars, against the Marxist Colombian Revolutionary Armed Forces (FARC), the Marxist National Liberation Army (ELN), paramilitary organizations, and international narcotics trafficking kingpins.

(5) The FARC and ELN engage in systematic extortion and murder of United States citizens, profit from the illegal drug trade, and engage in indiscriminate crimes against Colombian civilians and security forces. These crimes include kidnapping, torture, and murder.

(6) Thirty-four percent of world terrorist acts are committed in Colombia, making it the world's third most dangerous country in terms of political violence.

(7) Colombia is the kidnapping capital of the world, with 2,609 kidnappings reported in 1998.

(8) During the last decade more than 35,000 Colombians have been killed.

(9) The conflict in Colombia is creating instability along its borders with neighboring countries Ecuador, Panama, Peru, and Venezuela.

(10) The United States has a vital national interest in assisting Colombia in the resolution of these conflicts due to the inherent problems associated with Colombian drug trafficking and production.

(11) The United States has a vital national interest in assisting Colombia in the resolution of these conflicts due to the strong economic and political relationship that exists between the two countries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should support the military and political efforts of the Government of Colombia, consistent with human rights, that are necessary to effectively resolve the conflicts with the armed insurgents that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

## NOTICE OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 28, 2000 at 2:30 p.m. in room 485 of the Russell Senate Building to mark up pending committee business, to be followed by a hearing on S. 2283, to amend the Transportation Equity Act (TEA–21) to make certain amendments with respect to Indian tribes.

Those wishing additional information may contact committee staff at 202/224–2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a two day hearing entitled ''HUD's Government Insured Mortgages: The Problem of Property 'Flipping.''' This Subcommittee hearing will focus on the current nationwide mortgage fraud crisis.

The hearings will take place on Thursday, June 29, 2000, and Friday, June 30, 2000, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact K. Lee Blalack of the subcommittee staff at 224–3721.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, June 20, 2000. The purpose of this meeting will be to mark up new legislation and nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 20, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 10:15 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 20, 2000 at 10:00 a.m. in SD–215 for a public hearing on Dispute Settlement and the WTO.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Federal Service Programs during the session of the Senate on Tuesday, June 20, 2000 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. SMITH. Mr. President, I ask unanimous consent that the subcommittee on Housing and Transportation be authorized to meet during the session of the Senate on Tuesday, June 20, 2000, to conduct a hearing on proposals to promote affordable housing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. SMITH of New Hampshire. Mr. President, on behalf of Senator HUTCHINSON of Arkansas, I ask unanimous consent that Lt. Col. Tim Wiseman, a legislative fellow on Senator HUTCHINSON's, staff, and Andrea Smalec, also a member of Senator HUTCHINSON's staff, be granted the privilege of the floor for the remainder of today's debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask Unanimous Consent that Gary Tomasulo, a legislative fellow in the office of Senator MIKE DEWINE, be granted floor privileges during consideration of the foreign operations, export financing, and related programs appropriations bill.

Mr. President, I also ask unanimous consent that the privilege of the floor be granted to Eric Akers of the Senate Caucus on International Narcotics Control during the consideration of the Senate foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that John Underriner, a fellow in Senator HARKIN's office, be granted floor privileges for the duration of the Senate's consideration of S. 2522.

The PRESIDING OFFICER. Without objection, it is so ordered.

## WELCOMING KING MOHAMMED VI OF MOROCCO

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 325, submitted earlier by Senator ABRAHAM.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 325) welcoming King Mohammed VI of Morocco upon his first official visit to the United States of America.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ABRAHAM. Mr. President, I am pleased the Senate is considering a resolution today that commemorates the state visit of the King of Morocco. I extend my warmest welcome to His Majesty King Mohammed VI of Morocco on the occasion of his first official visit to the United States of America. It is my hope that my colleagues will join me in welcoming the King with swift adoption of this resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 325) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 325

Whereas Morocco was the first country to recognize the independence of the United States;

Whereas Morocco and the United States signed a Treaty of Friendship and Cooperation in 1787;

Whereas the Treaty of Friendship and Cooperation stands as the basis for the longest unbroken treaty relationship between the United States and a foreign country in the history of the Republic;

Whereas the Treaty of Friendship and Cooperation has established a close, friendly, and productive alliance between the United States and Morocco that has stood the test of history and exists today;

Whereas the close relationship between the United States and Morocco has helped the United States advance important national interests;

Whereas the United States and Morocco have long shared the objectives of securing a true and lasting peace in the Near East region and have worked together to establish and advance the Middle East peace process;

Whereas, under the leadership of the late King Hassan II, Morocco played a critical role in hosting meetings, promoting dialogue, and encouraging moderation in the Middle East, leading to some of the peace process's most important and lasting achievements;

Whereas, with the ascension of the King Hassan II's successor, King Mohammed VI, Morocco is suitably positioned and ably guided by its current leadership to maintain its traditional role in the peace process;

Whereas Morocco and the United States have worked successfully to enhance economic stability, growth, and progress in the Maghreb region and its environs, including Morocco's role as host to the inaugural Middle East and North Africa Summit held in Casablanca in 1994, and Morocco's continuing prominence in sustaining that dialogue and promoting economic integration with Tunisia and Algeria;

Whereas King Mohammed VI has assumed and expanded the legacy of his father, the late Hassan II, in strengthening the rule of law, promoting the concepts of democracy, human rights and individual liberties, and implementing far-reaching economic and social reforms to benefit all of the people of Morocco;

Whereas the preservation of the rights and freedoms of the Moroccan people and the expansion of reforms in Morocco represent a model for progress and bolster the foreign policy objectives of the United States in the region and elsewhere;

Whereas leading American corporations such as the CMS Energy Corporation, the Boeing Company, the Goodyear Tire and Rubber Company, the Gillette Company, and others are responsible for substantial and increasingly higher levels of trade, investment, and commerce between the United States and Morocco, involving increasingly diverse sectors of the Moroccan and American economies;

Whereas the expansion of economic activity is emerging as a new and increasingly important component of the historical friendship between the United States and Morocco, and is helping to strengthen the fabric of the bilateral relationship and to sustain it throughout the 21st century and beyond;

Whereas the people of the United States and Morocco have long enjoyed fruitful exchanges in fields such as culture, education, politics, science, business, and industry, and Americans of Moroccan origin are making substantial contributions to these and other disciplines in the United States; and

Whereas Morocco and the United States are preparing for the first official visit to the United States by King Mohammed VI to highlight these and other achievements, to celebrate the long history of warm and friendly ties between the two countries, to continue discussions on how to advance and accelerate those objectives common to the United States and Morocco, and to inaugurate a new chapter in the longest unbroken treaty relationship in the history of the United States: Now, therefore, be it

*Resolved*,

**SECTION 1. SENSE OF THE SENATE ON THE VISIT OF KING MOHAMMED VI OF MOROCCO TO THE UNITED STATES.**

The Senate hereby—

(1) welcomes His Majesty King Mohammed VI of Morocco upon his first official visit to the United States;

(2) reaffirms the longstanding, warm, and productive ties between the United States and the Kingdom of Morocco, as established by the Treaty of Friendship and Cooperation of 1787;

(3) pledges its commitment to expand ties between the United States and Morocco, to the mutual benefit of both countries; and

(4) expresses its appreciation to the leadership and people of Morocco for their role in preserving international peace and stability, expanding growth and development in the region, promoting bilateral trade and investment between the United States and Morocco, and advancing democracy, human rights, and justice.

**SEC. 2. TRANSMITTAL OF RESOLUTION.**

The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to King Mohammed VI of Morocco.

## ORDERS FOR WEDNESDAY, JUNE 21, 2000

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 21. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. With regard to the Sessions amendment No. 3492, I ask unanimous consent that no second-degree amendments be in order prior to a vote in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow and will be in a period for morning business until approximately 10:45 a.m. Under the order, Senator GRAHAM of Florida and Senator VOINOVICH of Ohio are in control of the time. Following the use of that time, the Senate will resume consideration of the foreign operations appropriations bill, with Senator WELLSTONE to be recognized to offer his amendment regarding Colombia. Under the previous order, there will be 2 hours 15 minutes for debate on the Wellstone amendment. As a reminder, first-degree amendments must be filed to the foreign operations appropriations bill by 3 o'clock tomorrow afternoon. A vote on final passage of this important spending bill is expected prior to adjourning tomorrow evening. Therefore, all Senators may expect votes throughout the day and into the evening.

## ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of the Senator from West Virginia, Mr. BYRD, and the remarks of the Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. If the Senator from West Virginia would give me 1 to 2 minutes before his remarks, I would be finished and glad to yield the floor to him.

Mr. BYRD. Mr. President, I learned a long time ago that a good Boy Scout should do a good deed every day. I want to do my good deed at this moment. I am very happy for the Senator to speak as long as he wishes, and then I will follow him.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from West Virginia for his courtesy.

## COMMENDING SENATOR BROWNBACK FOR HIS STATEMENT ON INDIA

Mr. SESSIONS. Mr. President, a few moments ago the Senator who is presiding over the Senate spoke on the floor, expressing some views about the nation of India. I believe the Senator raised a very important matter that is too little discussed in our Government, in our news media, and in this country. It seems to me every time I have heard the Senator speak on it, he makes perfectly good sense.

I believe the Senator is on the right track with a very important issue for our country. I simply want to say to the Senator, thank you for raising it. I believe it is a matter we need to discuss more.

India is soon to be the most populous nation in the world. It is a democracy. There is no reason for us to have an adversarial relationship with them. The CTBT issues can be overcome. It is time for us to rethink our policy in that area.

I thank the Senator for raising the issue.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from West Virginia.

## WEST VIRGINIA DAY

Mr. BYRD. Mr. President, today, on June 20, 2000, the 35th star on the American flag—the star on the third row up from the bottom, second from the left—glows just a little bit brighter than the rest, at least for me and my fellow West Virginians. For today is the 137th anniversary of West Virginia's statehood in 1863. And like the star, I think that I, too, glow just a bit with pride, basking in the reflected beauty of my home State of West Virginia.

I am especially glad that West Virginia's birthday falls in June. While every month has its special joys, June is an exceptionally beautiful month in West Virginia, full of wildflowers and birdsong, of neat gardens laid out in orderly rows, of trees still fresh and richly green. June is a month of optimism, of outdoor weddings and picnics, of fresh corn still just a promise on the stalk, of children learning to fish along quiet streams, and of knobby-kneed colts and calves peeking shyly from between their mother's legs in meadows lush with grass. June is a month for celebrating.

We celebrate a fairly young State laid over a very old foundation. The history of West Virginia as a State has lasted for but an instant in the geologic scale of the steeply curving mountains that comprise most of the State's landmass. The soil and the rock of these mountains was first mounded up some 900 million years ago in the Precambrian era. Over time, this first Appalachian mountain chain eroded to form a seabed during the shifting movement of the continents. Then, about 500 million years ago, during the Ordovician period, the continents drifted back together, and these titanic forces pushed that sea floor up, creating the multiple parallel ridges that form the Appalachian mountains today. During the subsequent Triassic and Jurassic periods, known to every schoolchild as the age of dinosaurs, the continents settled into the configuration we know today. They are still settling. In the most recent period, 200 million years of wind and rain and snow and ice have eroded the Appalachian mountains to about half of their original height—a happenstance that I am sure West Virginia's early settlers appreciated as they hauled their belongings over rough tracks in wooden-wheeled carts.

West Virginia's topography has always been important. It shaped the kind of agriculture still seen today—smaller family farms carved out of sheltered hollows, small valleys, and steep hillsides. It shaped the kind of industry that developed, favoring resource extraction of fine timber, rich coal deposits, and chemicals over land-intensive, large-scale manufacturing. It shaped the politics of West Virginia's history, creating a divide between the independent mountaineers who settled these hills and the rest of what was then the Commonwealth of Virginia. And the mountains have always served as a kind of fortress wall around the hidden beauty of the State. Before the advent of modern highways—which came late to the State of West Virginia, and which are still coming—it took a special determination to make one's way into our mountain fastnesses.

A child of war, West Virginia has the somewhat dubious honor of hosting the first major land battle of the Revolutionary War, at Point Pleasant, as well as the last skirmish of that war, at Fort Henry in Wheeling, in 1782.

Now, this information I came upon in a history of West Virginia, written by a West Virginian.

West Virginia gained her statehood during the Civil War, and her hills are dotted with battlefields from that conflict. Many historians, in fact, consider the clash at Philippi between Union Colonel Benjamin F. Kelly and his First Virginia Provisional Regiment and the forces under Confederate Colonel George A. Porterfield on the morning of June 3, 1861, to be the first land battle of the Civil War. So, from these violent beginnings, West Virginia has come a long way in just 137 years to host an international peace conference earlier this year in Shepherdstown.

West Virginia has come a long way, as well, from her early days as a resource-rich provider of building-block essentials like coal, and chemicals, and timber to a diversified economy of old staples and leading-edge, information-age high technology. And West Virginia has come a long way from being a quiet backwater region of narrow, winding, gravel and dirt roads that kept people isolated and insular to a State traversed by modern, safe, business-attracting highways.

I have seen these changes happen. I can remember the old dirt roads, the old gravel roads. I can remember when there were only 4 miles of divided four-lane highways in my State. And I can remember prior to that. When I was in the State legislature, in 1947, West Virginia only had 4 miles of divided four-lane highways.

Let me say that again. In 1947—53 years ago—when I was in the West Virginia Legislature, West Virginia only had 4 miles of divided four-lane highways.

It is much different now. West Virginia has at least between 900 and 1,000 miles of four-lane divided highways. Now there are some people who would like to see us go back to the time when we only had 4 miles of divided four-lane highways. In some ways I would like to go back to that time, too. But certainly I do not want to go back to that circumstance.

West Virginia has blossomed as she has matured, reaching out gracefully to the future while preserving and honoring the rich history of her past.

As a State, West Virginia is aging, and her population is aging, as well. West Virginia boasts the oldest median age in the Nation. I like to think that this statistic, in part, proves that West Virginia is as attractive a place in which to retire as are some of the more steamy States in the Nation. Of course, West Virginia's bracing climate, with its breathtaking seasonal changes, may be responsible for keeping West Virginia's elders active long after retirement. There is always a garden to plant, or leaves to rake, or simply beautiful walks to take, activities that keep the joints—joints of the arms and legs—agile and the mind busy. Age, and the wisdom that can only be accumulated with experience, is respected in the Mountaineer state. Just two weeks ago, the State hosted the first-ever United Nations International Conference on Rural Aging, taking its place at the forefront of efforts to keep the 60 percent of seniors around the world who live in rural areas healthy, active, and independent.

Yet despite all the changes, one thing has remained constant in West Virginia; namely, the down to earth, faith-in-God values of her people. We have no hesitancy in using that word and not using it in vain. There is a tendency these days to kind of put the lid on using the word ''God.'' No, don't use his name; don't use God's name. I am against using his name in vain. I can't say that I have not done that in my time, but I am very much opposed to that. But I am not opposed to using God's name in schools and anywhere else. I am for that. I will have no hesitancy to do it myself, no hesitancy whatsoever.

West Virginians are taught to honor their mother and father and to do what is right, even if that is not the easiest path. In West Virginia, we try to live by the Golden Rule, and always remember to give thanks to the Creator for the many blessings he has bestowed upon us. We ought to go back and read the Mayflower Compact and see how those men and women felt about God. In a time when society is focused on speed and instant gratification, West Virginians know the value of taking time to enjoy the beauty around them.

Those values, which have survived for 137 years, I expect will be around for another 137, at least.

So, at age 137, the 137th birthday, West Virginia is a youngster on the geologic time scale and just entering her middle age on the political scale. In terms of her population's age, well, let us be polite and say only that she is ''of a certain age,'' still at least a few steps way from becoming, a grand dame. All that I will say is, she certainly is grand!

West Virginia, how I love you!
Every streamlet, shrub and stone,
Even the clouds that flit above you
Always seem to be my own.

Your steep hillsides clad in grandeur,
Always rugged, bold and free,
Sing with ever swelling chorus:
Montani, Semper, Liberi!

Always free! The little streamlets,
As they glide and race along,
Join their music to the anthem
And the zephyrs swell the song.

Always free! The mountain torrent
In its haste to reach the sea,
Shouts its challenge to the hillsides
And the echo answers ''FREE!''

Always free! Repeat the river
In a deeper, fuller tone
And the West wind in the treetops
Adds a chorus all its own.

Always Free! The crashing thunder
Madly flung from hill to hill,
In a wild reverberation
Adds a mighty, ringing thrill.

Always free! The Bob White whistles
And the whippoorwill replies,
Always free! The robin twitters
As the sunset gilds the skies.

Perched upon the tallest timber,
Far above the sheltered lea,
There the eagle screams defiance
To a hostile world: ''I'm free!''

And two million happy people,
Hearts attuned in holy glee,
Add the hallelujah chorus:
''Mountaineers are always free!''

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 9:30 a.m. on Wednesday, June 21, 2000.

Thereupon, the Senate, at 7:16 p.m., adjourned until Wednesday, June 21, 2000, at 9:30 a.m.

# HOUSE OF REPRESENTATIVES—*Tuesday, June 20, 2000*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. ISAKSON).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*June 20, 2000.*

I hereby appoint the Honorable JOHNNY ISAKSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4475. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4475) ''An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. DOMENICI, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. BENNETT, Mr. CAMPBELL, Mr. STEVENS, Mr. LAUTENBERG, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. INOUYE, to be the conferees on the part of the Senate.

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

## PUTTING A FACE ON THE VICTIMS OF GUN VIOLENCE

Mr. BLUMENAUER. Mr. Speaker, I am proud to have spent my adult life in public service, but one element that disappoints me is the failure of our society to address the critical problem of reducing gun violence in our society.

Since I started my career, over 1 million Americans have become victims to gun violence. This is more than all the Americans who have died in all the battles since the Civil War.

One of the reasons, I think, that we have failed to make progress in reducing this epidemic of gun violence is because we have failed to put a face on a million victims. One of the things that I would like to do, as a small contribution towards the reduction of this gun violence, is to help put faces on those victims. We cannot afford for them to be anonymous.

Today I would like to spend a couple of minutes talking about young Kevin Imel. He was visiting a school mate during spring vacation. The evening before, an 11-year-old friend had been playing with his parents' gun. The guns were not safely stored. They did not have trigger locks. They had bullets. Kevin was not comfortable and would not play with his friend and made it clear to him.

The next morning as they were watching Saturday cartoons, the friend suggested again that they play with this gun. Kevin was evidently forceful in indicating that one should not play with guns. It angered his 11-year-old classmate, who went to his parents' room while his mother was putting on makeup, marched out of the room with a rifle, announcing, ''Kevin, you are dead.''

He fired a bullet that went through Kevin's shoulder. His little sister who was there helped carry him to the car, and Kevin bled to death on the way to the hospital.

Kevin Imel's parents are well-known in my community. His mother is characterized with courage and warmth, who helps others by deed and leads by example in terms of leadership of what people in the disabled community can do.

Lon, the father, was a labor leader. He worked for our former colleague, Congresswoman Elizabeth Furse, and he too has been active in the community. Their service is all the more poignant, I think, because their son Kevin today is a series of warm memories and a life tragically cut short rather than growing into adulthood and being productive and carrying forward himself.

It is time for America to remember the Kevin Imels of this world, to put a face on those million victims. I do think that it is time for our friends in the Republican leadership in this Congress to allow us to deliberate on items that would reduce gun violence. For almost a year now, the conference committee on juvenile crime has not met. The provisions that have passed the Senate, three simple common sense provisions that would help reduce gun violence, that are supported by the overwhelming majority of the Americans and indeed of American gun owners, have not been deliberated. It is time for the Republican leadership to honor the memory of people like Kevin Imel, allow us to deliberate, allow us to put these into action, allow us to help make sure that those million people who have died to gun violence have not died in vain.

## IN HONOR OF ASIAN PACIFIC ISLANDER VETERANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise this morning to recognize the contributions of Asian and Pacific Island veterans. Tomorrow, President Clinton will be presenting this Nation's highest military award for valor, the Congressional Medal of Honor, to 21 Asian American veterans who previously won the Distinguished Service Cross.

President Clinton approved the Army's recommendations for the upgrades this past May. Nineteen of the twenty-one veterans were members of the all-Japanese 100th Infantry Battalion, or 442nd Regimental Combat Team. For their size, it was amongst the most highest decorated units in U.S. military history. Members of this noble unit earned an amazing number of decorations, 18,000 individual decorations, including one wartime Medal of Honor, 53 Distinguished Service Crosses, 9,486 Purple Hearts and 7 Presidential Unit Citations, the Nation's top award for combat units.

The upgrading of the medals stems from efforts made by Senator DANIEL AKAKA of Hawaii, who authored the provision in the 1996 Defense Authorization Act mandating a review of the

service records of Asian Pacific Americans who received the Distinguished Service Cross.

The recommendation by Secretary of the Army Louis Caldera, and the subsequent order by President Clinton, serves to correct the injustice of racial discrimination that was prevalent against Asian Pacific Americans during World War II. Many of the Japanese Americans who served in the 442nd volunteered from internment camps, where their families had been relocated at the outbreak of the war. These men fought in 8 major campaigns in Italy, France and Germany, including battles at Monte Cassino, Anzio and Biffontaine. Despite the ferocity of the fighting they endured and the degree of bravery exhibited by these men, the climate of racism precluded many from due recognition of their actions under fire. Tomorrow's White House ceremony will finally redress this past wrong.

One of those honored for valor is Senator DANIEL INOUYE who distinguished himself when leading his platoon against the enemy at San Terenzo on April 21, 1945. Though hit in the abdomen by a bullet that came out his back and barely missed his spine, he continued to lead the platoon and advanced alone against a machine gun nest that had pinned down his men.

He tossed two hand grenades with devastating effect before his right arm was shattered by a German rifle grenade at close range, according to the senatorial bio. INOUYE threw his last grenade with his left hand, attacked with a submachine gun, and was finally knocked down the hill by a bullet in the leg.

After 20 months in Army hospitals, INOUYE returned home as a captain with a Distinguished Service Cross, the Nation's second highest award for military valor, the Bronze Star Medal, Purple Heart with oak leaf cluster and 12 other medals and citations, and of course he now has a distinguished career in the other body.

Many of these names which I will enter into the RECORD will add to the Pantheon of true American heroes, names like Hajiro, Hayashi, Kobashigawa, Ono, Wai and Davila, add to the great tradition of American military history, and it should be noted, and I have noted here in my extended remarks, that these men endured, along with many other Asian Pacific Islanders during the war, a climate of racism that continued to persevere, and made their contributions in a number of combat units throughout the war, men from Pacific Islands like American Samoa and Guam, people who served in the Philippine armed services under the American flag, and, of course, many who joined the regular armed forces of the U.S. and who were limited to service and transportation units.

The other soldiers who will be honored are: Staff Sgt. (later 2nd Lt.) Rudolph B. Davila, Pvt. Barney F. Hajiro, Pvt. Mikio Hasemoto (posthumous), Pvt. Joe Hayashi, Pvt. Shizuya Hayashi, Tech. Sgt. Yeiki Kobashigawa, Staff Sgt. Robert T. Kuroda (posthumous), Pfc. Kaoru Moto (posthumous), Pfc. Kiyoshi K. Muranaga (posthumous), Pvt. Masato Nakae (posthumous), Pvt. Shinyei Nakamine (posthumous), Pfc. William K. Nakamura (posthumous), Pfc. Joe M. Nishimoto (posthumous), Sgt. (later Staff Sgt.) Allan M. Ohata, Tech. Sgt. Yukio Okutsu, Pfc. Frank H. Ono (posthumous), Staff Sgt. Kazuo Otani (posthumous), Pvt. George T. Sakato, Tech. Sgt. Ted T. Tanouye (posthumous), and Capt. Francis B. Wai (posthumous).

In honoring the heroism of these Asian Pacific veterans, I am reminded of the sacrifices of all our minority veterans. Today, several weeks after Memorial Day, I would like to take a few moments to talk about the tens of thousands of minority Americans who set aside political, economic and social disenfranchisement, to answer the call to arms against the forces of tyranny.

Minorities have served in the American military since the early days of the republic and valiantly fought in every major engagement including the Civil War, Spanish-American War, WWI, WWII, Korea, Vietnam and the Persian Gulf.

The moment of truth for most minority veterans was solidly demonstrated in WWII. Undaunted by discrimination and racism, they endeavored to serve their country. In the beginning of the war, many minority servicemen were relegated to serve only in ''rear echelon'' positions or support positions during the war. They served as munitions men, truck drivers, cooks, stewards, and in cleaning and repair details. I am reminded of Uncle ''Bob'' Lizama, a native son of Guam who served in the U.S. Navy as a steward. His naval career spanned over 30 years including service in three major wars.

Minorities also labored in the factories and farms throughout the United States working towards the war effort. In many cases, when in combat zones, the men in these positions manned weapons and fought honorably side-by-side with white soldiers and sailors during furious engagements.

Later in the war, after tremendous lobbying efforts by minority civic leaders, combat units were established for minority populations. These brave men and women came from all walks of life but were bound by a love of the principles of duty to God and country. They lived in a separate component of American society that was defined by an unfortunate climate of prejudice. African-Americans, Hispanics, native Hawaiians, Chamorros, Samoans, Asian Americans, Filipinos, American Indians, and Native Alaskans all served honorably in many capacities with the U.S. military to combat the hegemonic forces of Germany, Italy and Japan.

In segregated units, often led by white officers, these noble men distinguished themselves in combat and proved to the entire nation that they too were willing to lay down their lives for freedom. The Tuskegee Airmen, the famed 442nd Regimental Combat Team, the 100th Infantry Battalion, the Navaho Code-Talkers, the U.S. Navy's Fita Fita Guard (a U.S. Navy auxiliary unit in American Samoa), the 1st Samoan Battalion, U.S. Marine Corps, and the Guam Combat Patrol (a U.S. Marine Corps auxiliary unit in Guam) are just a few of the organizations where minorities fought valiantly in some of the most difficult combat assignments anywhere in World War II.

After WWII, President Harry S. Truman desegregated the U.S. military. Beginning with the Korean war, minority soldiers, sailors, and airmen have fought alongside with all Americans. Recently, Congress passed a resolution honoring all of America's minority veterans. I am very pleased to have worked with both Representative SHEILA JACKSON-LEE and Senator EDWARD KENNEDY to ensure that the Pacific Islanders were represented in the resolution's text.

Mr. Speaker, in light of the level of dedication, sacrifice and honor, that minority veterans displayed while serving in our nation's military, we must in every way possible ensure that any past instance of wholesale discrimination be addressed and corrected. In this light it may be prudent to have legislation that establishes a commission to ensure that minority veterans during the Korean and Vietnam conflicts were not denied awards for valor on account of the color of their skin or on the basis of their national origin. At the beginning of the 21st Century, we should conclusively and exhaustively rectify as many of these past racial injustices so that we can finally proceed forward in unity and in the spirit of brotherhood. The noble sacrifices of our forbearers who fought valiantly for our freedom should never go unrecognized, nor be tarnished by societal ignorance. We, the benefactors of their sacrifice owe them at least that much.

## THE REPUBLICAN PRESCRIPTION DRUG PROPOSAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the last couple of weeks have produced some of the most spectacular propaganda we have seen here in some time. It relates to the Republicans Medicare prescription drug proposal. First PHRMA, the drug industry and prescription drug manufacturers' lobbying group, launched an advertising campaign in the newspaper Roll Call and other papers claiming that a plan like the Republican proposal could cut prices by 30 to 39 percent.

By expressing their exuberant support for this plan and its alleged results, the drug industry as much as said it can comfortably weather price cuts in the 30 to 39 percent price range. If that is the case, the drug industry should do us all a favor and simply make the cuts in price. It is a lot easier than requiring seniors to go into a prescription drug coverage market that does not exist to purchase a stand-alone product that cannot stand alone.

The second wave of rhetoric came yesterday when Chairman THOMAS announced the GOP prescription drug plan which relies on private insurers to offer individual prescription drug coverage saying it would cut prices twice as much as the Democrats Medicare based plan. If only it were true. The Congressional Budget Office said the Republican drug plan may cut costs by 25 percent, not through lower prices but by restricting access to medically necessary drugs.

It is an important division. I will say it again. The Republican plan saves money not by miraculously convincing drug companies to lower their prices but instead by limiting access for senior citizens to medically necessary prescription drugs. It cuts costs by decreasing the value of the prescription drug benefit. The insurers win, the drug companies win, the government wins but senior citizens lose.

The Republican plan gives insurance companies carte blanche to do what they are doing today, that is, put price tags on treatment decisions and deny coverage for medically necessary treatment. Sound familiar? The President's plan is explicit in requiring coverage, on the other hand, for any medically necessary drug prescribed by a doctor, which makes sense given it is the doctor, not the insurer, who should be and is making medical decisions and who is actually treating the patient.

The Republican plan guarantees nothing other than assistance for low income seniors. Prescription drugs, however, are not just a low income problem. Seniors who thought they were financially secure are watching their savings go straight into the pockets of drug makers. Some of my colleagues are trying to tell seniors that there will be a choice of reliable, affordable private prescription drug insurance plans available to them. Based on what? Certainly not history. Even the insurance industry is balking at the idea. It says something that insurers do not sell prescription drug coverage on a stand-alone basis today, even to young and to healthy individuals. That is because it does not make sense.

Medicare is reliable. Medicare is a large enough insurance program to accommodate the risks associated with prescription drug coverage. Individual stand-alone prescription drug policies are not.

Some in this body are actually trying to convince seniors who stand firmly behind Medicare that expanding the current benefit package is less efficient, more onerous, than manufacturing a new bureaucracy, as the Republican plan does, and conjuring up a new insurance market. Seniors are simply too smart for that.

I do not want to ask seniors in my district and across the country to rely on a market that does not want the business to provide a benefit not suited to stand-alone coverage to a population that, let us face it, has never been served well by the private insurance market.

I do not want seniors in my district and across the country to be coerced into managed care plans in order to avoid dealing with three different insurance plans, with Medicare, with Medigap and with individual prescription drug coverage.

I do not want seniors in my district or across the country to receive a letter from their employer telling them that their retiree prescription drug coverage has been terminated on the premise, quote, that the government is offering private insurance now.

I do not want to forsake volume discounts and economies of scale by segmenting the largest purchasing pool in this country, and then waste trust fund dollars on insurance company margins, on insurance company market expenses, on insurance company huge executive salaries.

I do not think the individual health insurance market is a reasonable model for Medicare prescription drug benefits. In fact, as anyone who has had to purchase or sale coverage in that market knows the individual health insurance market is not even a good model for individual health insurance. It is the poster child for selection problems, for rate spirals and for insurance scams.

The very fact that the drug industry backs Citizens for a Better Medicare supports the private plan approach is a giant strike against it. The drug industry and their puppet organization clearly feel that undercutting seniors' collective purchasing power, relegating seniors to private stand-alone prescription drug plans, is the key, underscore this, is the key to preserving discriminatory monopolistically set outrageously high prices.

Mr. Speaker, I hope that Members of this Congress read the fine print when we decide these Medicare prescription drug bills.

## RESOLUTION OF KASHMIR ISSUE MUST INCLUDE THE KASHMIRI PANDITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, in recent years the United States and the world community have been forced to confront the need for a resolution of the conflict in Kashmir. This conflict in the Himalayan Mountains has for decades poisoned relations between India and Pakistan.

The conflict has also poisoned life within Kashmir itself. People from all ethnic and religious groups have suffered from the violence, be they Hindu, Muslim or Sikh, but the most forgotten victims have been the Pandits.

Recently, it was reported by the Indo-American Kashmir forum that Karl Inderfurth, the U.S. Assistant Secretary of State for South Asia, reiterated the view that Pandits should not be ignored in upcoming discussions of the Kashmir issue. In a meeting with the National Advisory Council on South Asia at the State Department earlier this month, Mr. Inderfurth acknowledged that the U.S. has not always mentioned the Pandits in its statements on the Kashmir, but assured the Council that the displaced status of the Pandits is a matter of concern to the United States.

As a U.S. official who has frequently sought to give more attention to the plight of the Pandits, I am encouraged by Mr. Inderfurth's recent statement. I will urge our State Department to continue to draw attention to the suffering that the Pandits have endured and continue to endure in its statements on the Kashmir issue.

I have also called for the U.N. and international organizations to devote greater attention to what I consider a case of ethnic cleansing that is afflicting the Kashmiri Pandit community.

Mr. Speaker, India's Prime Minister Vajpayee has indicated that his government would be willing to meet with Kashmiri groups to address their concerns but the prime minister has stressed that Pakistan should not have any role in this dialogue, which is in fact an internal matter for India.

Some of these separatist elements within Kashmir, the same organizations involved in the terrorism that has uprooted the Pandit community, are clearly working to promote greater Pakistani involvement in this process. Mr. Speaker, there is overwhelming evidence of Pakistani support for the continued terror campaign in Jammu and Kashmir. Indeed, Pakistani involvement and terrorist activities in Kashmir has been acknowledged by our State Department and a Congressionally appointed advisory panel has recommended that Pakistan be designated as the government that is not fully cooperative against terrorism.

The Pakistani government itself has at least tacitly acknowledged, under heavy international pressure, that it must take action to curb the network of militants that has taken root on its soil. The one aspect of this tragedy that frequently is overlooked is the plight of the Hindu community of this region, the Kashmiri Pandits. As I have gotten to know the Kashmiri American community, and hearing about the situation facing the Pandits, I have been increasingly outraged not only at the terrible abuses they have suffered but at the seeming indifference of the world community. At the same time, I

am impressed by the dignity and the determination that the Kashmiri Pandits have maintained despite their horrible conditions, and I am touched by the deep concern that the Kashmiri Americans feel for their brothers and sisters living in Kashmir in the refugee centers set up in India to accommodate the Pandits driven from their homes in the Kashmir Valley.

Mr. Speaker, in the great international debates that we have, it is sometimes all too easy to overlook the so-called small problem of one persecuted ethnic group, but I hope that the United States and India, as the world's two largest democracies, will show determination to finally address this humanitarian catastrophe in an effective and humane way.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 21 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at 10 a.m.

## PRAYER

The Reverend Ken L. Day, Level Cross United Methodist Church, Randleman, North Carolina, offered the following prayer:

Most Holy Lord God, You have created and designed us for intimate fellowship with You, one another, and all Your creation. We acknowledge that You are the giver of all good and perfect gifts we are endowed with for this fellowship to be realized. We also acknowledge that You continually present us with opportunities to exercise these gifts and abilities. These representatives, staffs, and aides have assembled here this day to freely exercise these gifts and abilities in service to You and our country.

We confess that we have not always exercised these gifts and abilities faithfully. We have occasionally allowed selfish desires and personal agendas to cloud our visions and influence our actions. Forgive us, Lord, when we fail to esteem others higher than ourselves. And in forgiving us, allow us continued opportunities to serve You, one another, and our country. In Christ's holy name we pray, amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. LINDER) come forward and lead the House in the Pledge of Allegiance.

Mr. LINDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOME TO THE REVEREND KEN L. DAY

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, I thank you for the privilege to recognize our guest pastor today who is from my district. He serves the Level Cross United Methodist Church in Level Cross, North Carolina. I said to him yesterday, ''I address my minister as Preacher. Ken, are you comfortable with that endearing title?''

He said, ''That is an ascribed title, not earned. I like it.''

So, Preacher, it is good to have you with us here today. Your family is in the gallery. I know your parishioners are watching today.

## SAFEGUARDING SECRETS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, my mother makes a great carrot cake. For generations the recipe has been a guarded secret. In fact, the recipe to our family's carrot cake is probably more secure than this country's nuclear secrets. However, based on the lack of concern from the Vice President, you would not think our national security was a major issue. The Vice President has had no problem taking credit for discovering Love Canal, inspiring the novel ''Love Story,'' inventing the Internet, and just last week he took credit for the strength of our economy. But when this administration has repeated security lapses, putting our citizens at risk, he is nowhere to be found.

The Vice President and the other side of the aisle have spent most of their time and energy on this floor worried about political attacks when instead we should be concerned about defending this Nation from nuclear attacks.

## INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today to continue in my efforts to bring to light the problem of international child abduction. Every day possible I have come to the House floor to deliver a 1-minute on the issue and including in that 1-minute the story of an individual child. Today I will tell you about Benjamin Eric Roche.

Benjamin was abducted when he was 3 years old by his mother Suzanne Riley and taken to Germany. Ms. Riley had physical custody of Benjamin at that time, but both she and his father, Mr. Ken Roche, shared joint custody. Under the Hague Convention, a German court ordered Benjamin to be returned to the United States in August of 1993.

Mr. Roche had not heard from his ex-wife or his son until February 1, 2000, when Ms. Riley initiated contact with him. However, since that contact, Mr. Roche has once again not heard from her or his son.

Mr. Speaker, there are 10,000 other children who are in the same shoes as Benjamin. They have been kidnapped across international borders. We must continue to work to make sure that they are returned. We must bring our children home.

## PRESCRIPTION DRUG CHOICES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last year a 75-year-old woman in Las Vegas had to let her homeowners insurance policy lapse just to pay for her prescription heart medicine. Tragically her home was destroyed in the floods that ravaged the Las Vegas valley last year as well.

Mr. Speaker, such a tragedy should never have been allowed to happen. This Congress has an opportunity to provide a voluntary, affordable and accessible Medicare drug benefit plan to all our Nation's seniors. The House bipartisan prescription drug plan will solve this very serious problem currently facing our Nation's seniors. With this plan, senior citizens will no longer have to choose between food, shelter and medication. Instead, the only choice they will have to make is which prescription plan best meets their individual needs.

I urge my colleagues to support the House bipartisan prescription drug plan. It is the fair thing to do, but, more importantly, it is the right thing to do.

## OIL COMPANIES REPORT RECORD PROFITS IN WAKE OF RISING GASOLINE PRICES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, as gasoline prices throughout the United States go from $2 a gallon and even towards $3 a gallon, I think it is instructive for this Congress to review the profits of the major oil companies even before this round of increases in the price of gas.

Listen to this, the profit increases over the last year: Texaco, 473 percent increase in profit. Phillips Petroleum, 257 percent increase in profit. Conoco, 371 percent increase in profit. Chevron, 291 percent increase in profit. BP Amoco, 296 percent increase in profit.

I do not know of anyone in America who is getting a raise of a few hundred percent. The American people are struggling to survive and the oil companies are ripping them off. We need a windfall profits tax. We need to make sure that there is some balance brought back in this economy. It is time to go after the oil companies.

## INTRODUCTION OF RESOLUTION EXPRESSING CONCERN FOR WELL-BEING OF CITIZENS INJURED IN MEXICO

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to commend my colleague the gentleman from California (Mr. HUNTER) for sponsoring a resolution that expresses the concern of the Congress for the safety and well-being of United States citizens injured while traveling in Mexico and calls for the President to begin negotiations with the government of Mexico to establish a humanitarian exemption to that country's exit bond requirements.

No American should have to live through the nightmare faced by Michael and Lorraine Andrews, a couple from my congressional district, on a recent trip to Mexico. What was supposed to be a peaceful vacation cruise became a life-and-death situation after a serious car accident required Michael's immediate transfer to the United States to receive adequate medical treatment for a spinal cord injury. The Andrews couple was delayed by Mexican authorities and had to pay off several individuals in order to board the plane to head home.

Humanitarian considerations should be allowed to supersede any regulatory bond that may delay an American's departure to receive proper medical care so that emergencies like that of Michael and Lorraine Andrews will be prevented in the future.

## POLITICAL CORRECTNESS RULES AT SUPREME COURT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. The Supreme Court says pornography is okay and it is okay to burn the flag, that Communists can work in our defense plants, that it is okay to teach witchcraft in our schools and that it is okay for our students to write papers about the devil.

But the Supreme Court says it is illegal to write papers about Jesus, it is illegal to pray in school, and now the Supreme Court says it is even illegal to pray before a football game.

Beam me up. I thought the founders intended to create a Supreme Court, not the Supreme Being. Think about that statement.

I yield back a Supreme Court that is so politically correct they are downright stupid, so stupid they could throw themselves at the ground and miss.

## SUPPORT LINDER–COLLINS AMENDMENT TO VA–HUD APPROPRIATIONS BILL

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, today I rise in support of an amendment the gentleman from Georgia (Mr. COLLINS) and I plan to offer later today to the VA–HUD appropriations bill. The amendment would simply ensure that Federal, State and local governments do not waste precious taxpayer dollars on air quality standards that have been rendered unenforceable by a Federal appeals court.

This would not be the first time the Congress has done this. In 1998, the 105th Congress passed TEA–21 which included language that extended the designation time line for a year because the matter was in court. That time line has now run out. Two hundred ninety-seven Members of this House supported that language. This change recognized both the burdens placed on States and localities by these standards and the need to stop any process that would interfere with litigation surrounding the standards.

The gentleman from Georgia and I bring our amendment before the House today in the same spirit. We have no interest in preventing reasonable clean air standards from being enforced. We just want to make sure that the Supreme Court has an opportunity to rule in the case first. Continue the congressional tradition of holding harmless our constituents while the lawyers and bureaucrats debate the merits of policy. Support the Linder-Collins amendment today.

## SUPPORT HATE CRIMES PREVENTION ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would think that America would want its leadership to make the right kind of statement to the world. I do not know why we have not been able to pass the Hate Crimes Prevention Act of 1999, and now 2000. The other body vigorously debated Senator KENNEDY's legislation yesterday and today they vote. I think it is very important that today the Senate takes the first step to tell the world that America abhors hatred.

Just yesterday, I met with the relatives of James Byrd, Jr., and they told me that even today people are desecrating on his grave, trying to intimidate the community. Hate crimes are not individualized. It is a statement that says, We don't like you because you're different. Because you're African American, Hispanic, you're a woman, you are disabled, you have a different life-style, you are Asian, you practice your religion differently.

Can America not come under the umbrella of the Statue of Liberty that encouraged all of us to come to this free land? It is important that we stand up as legislators and denounce hatred in this Nation by voting for the Hate Crimes Prevention Act of 1999 and 2000.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded it is against the rules of the House to urge action in the other body.

## PRESIDENT'S SCHOOL REFORM TOUR NEEDS GEOGRAPHY LESSON

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, President Clinton has often used bus tours and the like to promote his latest proposals for new government programs. As you recall, his most notable tour advocated the First Lady's massive Federal health care plan. The President's latest road trip involves his school reform tour which will take him to four different cities in the United States. But before the President leaves for his tour, he may want to consult with a geography teacher. Apparently, the President's first official school reform tour website showed the State of Kentucky relocated to the area currently known as Tennessee. The White House, justifiably embarrassed by the incident, has corrected its website. However, it begs the question, should a White House that cannot even correctly identify which States are which be mapping out key education reforms that will affect our children? This concerns me and it should concern the American people.

□ 1015

## AMENDMENT TO VA/HUD BILL TO PREVENT EPA MOVING FORWARD ON DESIGNATION OF NEW NONATTAINMENT AREAS

(Mr. COLLINS asked and was given permission to address the House for 1 minute.)

Mr. COLLINS. Mr. Speaker, when a lower court ruled in 1999 against new Federal air standards, reasonable persons expected the EPA to delay further implementation of the standards until the Supreme Court ruled on the agency's appeal.

Instead, the EPA is pushing forward with rules that force State and local governments across the country to spend thousands of dollars to comply with new invalid standards.

To stop this waste of taxpayer money, the gentleman from Georgia (Mr. LINDER) and I will offer an amendment to VA/HUD later today which will prevent the EPA from moving forward with the designation of new nonattainment areas until such time as the Supreme Court makes a decision.

State and local governments could better use their resources to help their communities to comply with the rules that may never become legally enforceable.

Our amendment is simple. It does not affect existing air quality standards, nor does it render judgment on the new standards. It only requires EPA to postpone further action until the Supreme Court issues a final ruling.

It is common sense to postpone the designation process until we are certain that it will not be a huge waste of Federal, State and local resources.

## LOS ALAMOS LEAKS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the Founding Fathers saw a national security as the very first duty of government. First amongst the powers given to Congress is the power to provide for the common defense. The first duty listed for the President is to be Commander in Chief of the Army and Navy of the United States.

National security is a very serious matter; and when nuclear secrets are lost, our national safety is threatened. Then why have we seen repeated security breaches at the Los Alamos National Laboratory?

Dr. Wen Ho Lee is still in jail awaiting trial for mishandling secret data a year ago. When that happened, Energy Secretary Richardson opposed new security measures, insisting that he wanted to be in charge and that he could handle the security himself.

Clearly, he has failed to do that. Some think we have better security at Wal-Mart than we do in Los Alamos. Richardson blamed the University of California, but even his director of counterintelligence says we cannot rule out espionage.

If the Secretary of Energy cannot provide security for our Nation's top nuclear secrets, the President needs to find someone who can.

## LAX SECURITY AT LOS ALAMOS NATIONAL LABORATORY

(Mr. VITTER asked and was given permission to address the House for 1 minute.)

Mr. VITTER. Mr. Speaker, last year, following disturbing reports of lax security at the Los Alamos National Laboratory, the Congress passed and the President signed a law creating an Under Secretary for national security at the Department of Energy. This new position was created to strengthen security at our labs. Now Secretary Richardson objects to filling this post; and as a previous speaker said, he specifically took personal responsibility for security.

Now we know of another massive security breach at the lab. But is Secretary Richardson taking personal responsibility for these lapses occurring on his watch? Nope, not a chance. He has found a scapegoat in the University of California.

Madam Speaker, UC does have a contract to manage the lab, but responsibility for security lies with the Secretary.

Mr. Speaker, blaming the University of California for the security breakdown at the lab is like the captain of the Titanic blaming the head waiter for the iceberg. Of course, the captain did not; he took responsibility and went down with the ship. It is time for the Secretary of Energy to do the same and resign.

## SUPPORTING LEGISLATION CALLING FOR APOLOGY FOR SLAVERY

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, I am pleased to support and cosponsor the legislation of the gentleman from Ohio (Mr. HALL) that calls for an apology for slavery. I have heard the snickers, the snide comments, the perplexed faces from Members baffled by the gentleman's quest for justice. I think we all need to check ourselves.

This great Nation of ours did something terribly wrong during its infancy: I was written out of its Constitution, and it turned its head on slavery. And when our country actually saw itself for the first time in a mirror, its response was to proclaim that the black man had no rights that a white man was bound to respect.

It took a second look, however, and began to exorcise its demons; that is what reparations to Native Americans, Holocaust victims, and Japanese Americans was all about. Sadly, nobody thought about me. Yet an unarmed black man can be murdered on the streets of America and no one blinks an eye.

Innocent black men disappear to death row. Crack cocaine dumped into our neighborhoods. Malcolm X and Dr. Martin Luther King, Jr., murdered in conspiracies.

The gentleman from Ohio (Mr. HALL) is trying to close these wounds, not reopen them.

## NONCOMMERCIAL BROADCASTING FREEDOM OF EXPRESSION ACT OF 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 527 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 527

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4201) to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Commerce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce; (2) a further amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by representative Markey of Massachusetts or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 527 is a fair rule providing for consideration of H.R. 4201, the Noncommercial Broadcasting Freedom of Expression Act of 2000. H. Res. 527 provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce.

The rule provides that the amendment recommended by the Committee on Commerce now printed in the bill shall be considered as adopted. In addition, the rule provides for the consideration of the amendment in the nature of a substitute, printed in the CONGRESSIONAL RECORD, if offered by the gentleman from Massachusetts (Mr. MARKEY) or his designee, which shall be considered as read, debatable for 1 hour equally divided between proponent and an opponent.

Finally, the rule provides for one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, like most Members, I have been contacted by a number of my constituents regarding the Federal Communication Commission's ruling on religious programming. By way of background, since 1952, the FCC has reserved a limited number of television channels for educational broadcasters, known as noncommercial education channels, provided that the nonprofit groups, including religious organizations, can show that they will devote more than half of their programming to general education purposes.

However, in the December 29, 1999, ruling granting a noncommercial educational television station license, the FCC included a section on ''additional guidance'' and ruled that programming largely ''devoted to religious exhortation, proselytizing, or statements of personally held religious views and beliefs'' would not count as educational.

I am disheartened that the FCC initially believed that religious programs do not serve the educational, instructional, and cultural needs of the community as defined by NCE regulations. I have no doubt that the millions of Americans who attend and watch church services find culture and education in the teachings of a sermon. I am pleased, however, that the FCC has since vacated its order.

Despite the fact that the decision has been reversed, many Members did, I know, have concerns about the FCC's interpretation of the law in this matter. In addition, we are concerned that the FCC ruled without the benefit of public comment, taking unilateral action without consulting those who would be affected. Moreover, in clarifying NCE television rules, the FCC established a new benchmark for evaluating the content of religious broadcasts. In effect, the FCC created a precedent that could have required the FCC to monitor and evaluate religious programming and decide what is educational.

Mr. Speaker, I find this course of action intrusive and question a decision that replaces programming decisions based on the community with FCC guidance.

This is why we need to consider H.R. 4201 this morning. This bill ensures that the FCC does not engage in regulating the content of speech broadcast by noncommercial education stations, except by means of a formal agency rulemaking. This is responsible legislation that will answer the policy questions that arose following the FCC decision on this matter.

Nonetheless, there is an amendment that deserves consideration of the House on the House floor. In the Committee on Commerce, the gentleman from Massachusetts (Mr. MARKEY) offered an amendment to amend the bill, and the rule we had before us will permit the gentleman from Massachusetts (Mr. MARKEY) the opportunity to offer his substitute amendment.

I also want to applaud the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Mississippi, my friend (Mr. PICKERING), and the gentleman from Ohio (Mr. OXLEY), for the work on this legislation. I encourage every Member to support this fair rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the time. Mr. Speaker, this is a restrictive rule which will allow for the consideration of H.R. 4201.

As my colleague, the gentleman from Georgia (Mr. LINDER), has explained, this rule provides for 1 hour of general debate to go equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce.

Under current rules, the Federal Communication Commission grants noncommercial broadcasting licenses for programming that is primarily educational in nature. This bill expands the qualifications to include cultural or religious programming.

The bill also restricts the FCC's authority to establish requirements on programming by noncommercial broadcasters.

The rule makes in order just one amendment that can be offered during floor consideration of the bill. The amendment offered by the gentleman from Massachusetts (Mr. MARKEY) would maintain an educational requirement to obtain a noncommercial broadcast license. No other amendments may be offered to the bill.

I regret that the Committee on Rules approved such a restrictive rule. I see no reason why this bill cannot receive an open rule. Also, Members have not been given enough notice that the bill would be taken up on the House floor and that a restrictive rule was under consideration.

However, because the gentleman from Massachusetts (Mr. MARKEY) was the only Member testifying at yesterday's Committee on Rules hearing in support of an amendment and the rule does make in order that amendment, I will not oppose the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I have no speakers. If the gentleman from Ohio (Mr. HALL) is prepared to yield back, I will yield back.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, this is a very important bill to a large number of people in my district. I am a little surprised that it has come up so abruptly and then we had no time to prepare for it, but I want to register my strong support for the steps that are being taken by the Federal Communications Commission to make broadcasting available, the opportunity to broadcast to small and nonprofit groups.

There is a whole array of groups beyond the obvious ones that are mentioned, the religious groups, educational groups that particularly want to push some aspect of education to the numerous ethnic and nationality groups in my district. There are a large number of people who are of Caribbean descent in my district and have had a great deal of problems with trying to get radio broadcasts which focus on their particular interests, Haitian, Jamaican, Canadian, and numerous others.

I think it is very appropriate that we take a step in this direction and leave it as broad and open as possible, following the general approach of the Federal Communications Commission without any restrictions. Indeed, the restrictions have been too great all these years. The broadcasting is regulated by the Federal Government. It is a form of free speech; and because it is regulated by the Federal Government, I think efforts should have been made many years ago to make it freer.

We have not had free speech using radio waves or free speech using television or any of the regulated broadcast bands that the Government is in control of.

□ 1030

The Government is in control, and that means that all of the people are in control; all the people should be served. It should not be a matter of those who have the necessary capital to be able to capitalize a radio or television station. We are talking primarily here about radio now, which is the simplest and the cheapest way to provide some means of broadcasting for people who do not have means.

Certainly, if we are going to have freedom of speech, freedom of speech ought to mean that everybody has a chance to speak over the airwaves, especially if that is regulated by government. We have freedom of speech in

terms of printed matter, and anybody who can afford it can, of course, print matter. Of course the big newspaper chains and people that have money are able to take advantage of that even more so. But the Government does not regulate anybody out of the print business.

If one has the money, if one has the wherewithal, one can get into the print business at one level or another. That may mean passing out pamphlets, it may mean finding a newspaper, or it may mean starting a magazine. But it is not so in the broadcast arena. One cannot, even if one has the wherewithal, enter the broadcast arena, because that is tightly regulated by the Government, more than it should have been all of these years.

Mr. Speaker, we need more freedom and more opportunities, not fewer.

So I wholeheartedly support the steps that are being taken by the Federal Communications Commission, and I think that any attempts to restrict it in any way are steps that are moving us backwards in the wrong direction. I think it is long overdue that we allow small groups to have their voice, and perhaps we should look at the bill and look at the regulations being proposed by the Federal Communications Commission and make them broader and more liberal. The range of areas that are covered by these nonprofit stations in many cases is too small, and we would like to see them broadened. We would like to see efforts made to make it even less costly to begin a nonprofit station.

Full freedom of speech means that the freedom ought to be able to be a freedom that we can utilize over the free and regulated Federal airwaves.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN) to clarify some information for the gentleman from New York.

Mr. TAUZIN. Mr. Speaker, I simply want to clarify for my friend from New York that this is not the low-power FM bill dealing with the Commission's decision to authorize the expansion of radio broadcasting to FM low power. This bill merely deals with the noncommercial television and radio licenses that are already issued by the commission. There are about 800 to 1,000 radio licenses; and there are 15 television licenses, eight more in the pipe, that are held by religious broadcasters. And the issue today that this rule authorizes the legislation on will be to limit the FCC's capacity to regulate the content of the religious broadcasting that goes on these noncommercial television and radio stations that are already on the air.

So the gentleman's concern about the FM low-power issue is obviously a very important one, and we dealt with that issue I think several weeks ago. This is a separate issue dealing with religious radio and television broadcasting.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. TAUZIN. Mr. Speaker, pursuant to House Resolution 527, I call up the bill (H.R. 4201) to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 527, the bill is considered read for amendment.

The text of H.R. 4201 is as follows:

H.R. 4201

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Noncommercial Broadcasting Freedom of Expression Act of 2000''.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) In the additional guidance contained in the Federal Communication Commission's memorandum opinion and order in WQED Pittsburgh (FCC 99–393), adopted December 15, 1999, and released December 29, 1999, the Commission attempted to impose content-based programming requirements on noncommercial educational television broadcasters without the benefit of notice and comment in a rulemaking proceeding.

(2) In doing so, the Commission did not adequately consider the implications of its proposed guidelines on the rights of such broadcasters under First Amendment and the Religious Freedom Restoration Act.

(3) Noncommercial educational broadcasters should be responsible for using the station to primarily serve an educational, instructional, or cultural purpose in its community of license, and for making judgments about the types of programming that serve those purposes.

(4) The Commission should not engage in regulating the content of speech broadcast by noncommercial educational stations.

**SEC. 3. CLARIFICATION OF SERVICE OBLIGATIONS OF NONCOMMERCIAL EDUCATIONAL OR PUBLIC BROADCAST STATIONS.**

Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following new subsection:

''(m) SERVICE CONDITIONS ON NONCOMMERCIAL EDUCATIONAL AND PUBLIC BROADCAST STATIONS.—

''(1) IN GENERAL.—A nonprofit organization or entity shall be eligible to hold a noncommercial educational radio or television license if the station is used primarily to broadcast material that the organization or entity determines serves an educational, instructional, or cultural purpose (or any combination of such purposes) in the station's community of license, unless that determination is arbitrary or unreasonable.

''(2) ADDITIONAL CONTENT-BASED REQUIREMENTS PROHIBITED.—The Commission shall not—

''(A) impose or enforce any quantitative requirement on noncommercial educational radio or television licenses based on the number of hours of programming that serve educational, instructional, or cultural purposes;

''(B) prevent religious programming, including religious services, from being determined by an organization or entity to serve an educational, instructional, or cultural purpose; or

''(C) impose or enforce any other requirement on the content of the programming broadcast by a licensee, permittee, or applicant for a noncommercial educational radio or television license that is not imposed and enforced on a licensee, permittee, or applicant for a commercial radio or television license, respectively.''.

**SEC. 4. RULEMAKING.**

(a) LIMITATION.—After the date of enactment of this Act, the Federal Communications Commission shall not establish, expand, or otherwise modify requirements relating to the service obligations of noncommercial educational radio or television stations except by means of agency rulemaking conducted in accordance with chapter 5 of title 5, United States Code, and other applicable law (including the amendment made by section 3).

(b) RULEMAKING DEADLINE.—The Federal Communications Commission shall prescribe such revisions to its regulations as may be necessary to comply with the amendment made by section 3 within 270 days after the date of enactment of this Act.

The SPEAKER pro tempore. The amendment recommended by the Committee on Commerce printed in the bill is adopted.

The text of H.R. 4201, as amended pursuant to House Resolution 527, is as follows:

H.R. 4201

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Noncommercial Broadcasting Freedom of Expression Act of 2000''.*

***SEC. 2. FINDINGS.***

*The Congress finds the following:*

*(1) In the additional guidance contained in the Federal Communication Commission's memorandum opinion and order in WQED Pittsburgh (FCC 99–393), adopted December 15, 1999, and released December 29, 1999, the Commission attempted to impose content-based programming requirements on noncommercial educational television broadcasters without the benefit of notice and comment in a rulemaking proceeding.*

*(2) In doing so, the Commission did not adequately consider the implications of its proposed guidelines on the rights of such broadcasters under First Amendment and the Religious Freedom Restoration Act.*

*(3) Noncommercial educational broadcasters should be responsible for using the station to primarily serve an educational, instructional, cultural, or religious purpose in its community of license, and for making judgments about the types of programming that serve those purposes.*

*(4) Religious programming contributes to serving the educational and cultural needs of the public, and should be treated by the Commission on a par with other educational and cultural programming.*

*(5) Because noncommercial broadcasters are not permitted to sell air time, they should not be required to provide free air time to commercial entities or political candidates.*

*(6) The Commission should not engage in regulating the content of speech broadcast by noncommercial educational stations.*

***SEC. 3. CLARIFICATION OF SERVICE OBLIGATIONS OF NONCOMMERCIAL EDUCATIONAL OR PUBLIC BROADCAST STATIONS.***

*(a) SERVICE CONDITIONS.—Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following new subsection:*

*''(m) SERVICE CONDITIONS ON NONCOMMERCIAL EDUCATIONAL AND PUBLIC BROADCAST STATIONS.—*

*''(1) IN GENERAL.—A nonprofit organization shall be eligible to hold a noncommercial educational radio or television license if the station is used primarily to broadcast material that the organization determines serves an educational, instructional, cultural, or religious purpose (or any combination of such purposes) in the station's community of license, unless that determination is arbitrary or unreasonable.*

*''(2) ADDITIONAL CONTENT-BASED REQUIREMENTS PROHIBITED.—The Commission shall not—*

*''(A) impose or enforce any quantitative requirement on noncommercial educational radio or television licenses based on the number of hours of programming that serve educational, instructional, cultural, or religious purposes; or*

*''(B) impose or enforce any other requirement on the content of the programming broadcast by a licensee, permittee, or applicant for a noncommercial educational radio or television license that is not imposed and enforced on a licensee, permittee, or applicant for a commercial radio or television license, respectively.*

*''(3) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as affecting—*

*''(A) any obligation of noncommercial educational television broadcast stations under the Children's Television Act of 1990 (47 U.S.C. 303a, 303b); or*

*''(B) the requirements of section 396, 399, 399A, and 399B of this Act.''.*

*(b) POLITICAL BROADCASTING EXEMPTION.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended by inserting '', other than a noncommercial educational broadcast station,'' after ''use of a broadcasting station''.*

*(c) AUDIT OF COMPLIANCE WITH DONOR PRIVACY PROTECTION REQUIREMENTS.—Section 396(l)(3)(B)(ii) of the Communications Act of 1934 (47 U.S.C. 396(l)(3)(B)(ii)) is amended—*

*(1) in subclause (I), by inserting before the semicolon the following: '', and shall include a determination of the compliance of the entity with the requirements of subsection (k)(12)''; and*

*(2) in subclause (II), by inserting before the semicolon the following: '', except that such statement shall include a statement regarding the extent of the compliance of the entity with the requirements of subsection (k)(12)''.*

*(d) IMPLEMENTATION.—Consistent with the requirements of section 4 of this Act, the Federal Communications Commission shall amend sections 73.1930 through 73.1944 of its rules (47 C.F.R. 73.1930–73.1944) to provide that those sections do not apply to noncommercial educational broadcast stations.*

***SEC. 4. RULEMAKING.***

*(a) LIMITATION.—After the date of enactment of this Act, the Federal Communications Commission shall not establish, expand, or otherwise modify requirements relating to the service obligations of noncommercial educational radio or television stations except by means of agency rulemaking conducted in accordance with chapter 5 of title 5, United States Code, and other applicable law (including the amendments made by section 3).*

*(b) RULEMAKING DEADLINE.—The Federal Communications Commission shall prescribe such revisions to its regulations as may be necessary to comply with the amendment made by section 3 within 270 days after the date of enactment of this Act.*

The SPEAKER pro tempore. After one hour of debate on the bill, as amended, it shall be in order to consider a further amendment printed in the CONGRESSIONAL RECORD, if offered by the gentleman from Massachusetts (Mr. MARKEY) or his designee, which shall be considered read and shall be debated for 1 hour, equally divided and controlled by a proponent and an opponent.

The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I yield myself 7 minutes.

I rise in support of H.R. 4201, the Noncommercial Broadcast Freedom of Expression Act of 2000. While this is indeed a good bill, I am frankly disappointed that it is necessary. It is necessary to correct a gross blunder by the FCC and to prevent it from ever happening again.

Earlier this year, in the WQED Pittsburgh station case, a television transfer case, the FCC sought to quantify the service obligations of noncommercial television licenses by requiring that ''more than half of the hours of programming aired on a reserved channel must serve an educational, instructional, or cultural purpose in the station's community of license.'' But they went on to say that while programming which teaches about religion would count toward that new benchmark, programming that was ''devoted to religious exhortation, proselytizing, or statements of personally held religious views and beliefs'' would not. In short, the Commission was drawing substantive distinctions between what religious message would qualify in the content of that station's broadcasting.

Now, the FCC has licensed quite a number of religious broadcasters on the noncommercial airwaves of America. About 800 to 1,000 radio licenses are currently held and operated by religious broadcasters. There are 15 television stations operated by religious broadcasters as a noncommercial license. The FCC has never before now tried to regulate the content of those religious messages in religious broadcasting. But in this situation, the FCC tried to do so.

I do not have to tell my colleagues that they were met with a huge outpouring of objections, not only from Members of Congress, but from people across America. Indeed, the gentleman from Ohio (Mr. OXLEY) and I, along with the gentleman from Mississippi (Mr. PICKERING), the gentleman from Oklahoma (Mr. LARGENT), the gentleman from Florida (Mr. STEARNS), and about 140 additional Members of the House, including, by the way, the gentleman from Texas (Mr. DELAY), the gentleman from Texas (Mr. ARMEY), and the gentleman from Oklahoma (Mr. WATTS) all joined forces against the commission's action.

Fortunately, in response to the collective public outcry against these actions, the FCC wisely decided to vacate the additional guidance, these new instructions that they were issuing in this order, and they vacated that order by a vote of four to six.

In other words, they back-peddled quickly. They quickly tried to undo the mistake they made. In fact, the concern that they might make that mistake again is, unfortunately still with us, because despite this four to one reversal, when we held a hearing at the Subcommittee on Telecommunications of the Committee on Commerce, one of the commissioners, Commissioner Tristani asserted, and this is a quote, that she, ''for one, will continue to cast the vote in accordance with the views expressed in the additional guidance.'' In other words, there is still a sense that the commission, at least by some of the members of the FCC, that they would like to dictate the content of religious broadcasting in America.

Mr. Speaker, imagine that. Federal bureaucrats telling us what we can and cannot hear on a religious broadcast station, what qualifies as a good message and what does not. Government telling religious broadcasters what they can and cannot say in a religious television or radio broadcast. What a horrible notion. And yet, at least one of our commissioners says, given the chance, she would do it again. Therefore, this bill becomes necessary.

This bill, which we have constructed and passed out of the Committee on Commerce and brought to the floor today, H.R. 4201 authored by the gentleman from Mississippi (Mr. PICKERING) on behalf of the gentleman from Ohio (Mr. OXLEY), myself, the gentleman from Oklahoma (Mr. LARGENT), and the gentleman from Florida (Mr. STEARNS), takes the appropriate stance against what the FCC tried to do. It basically codifies the old rule of the commission. The old rule of the commission, which basically is encapsulated in the commission's reversal, by which they reversed their bad decision, is as follows. This is what the Commission said when it finally backed up and corrected the bad mistake it made: ''In hindsight, we see the difficulty of minting clear definitional parameters for educational, instructional, or cultural programming. Therefore, we vacate our additional guidance. We will

defer to the editorial judgment of the licensee unless that judgment is arbitrary or unreasonable.''

That has always been the standard. The commission has always left it up to the licensee to decide what messages were broadcast on these religious noncommercial airwaves. That has always been the rule; this bill codifies that rule. In fact, the bill says that from now on, the commission shall not have the authority to change it, to try to dictate the content of religious broadcasting.

Now, in just a few minutes we will hear from my good friend, the gentleman from Massachusetts (Mr. MARKEY), and others about their objections to the bill. They come in two forms. One, they will argue that the bill broadens the eligibility standard for noncommercial educational licenses. That is not true. We simply codify the current standards. Under current standards, the FCC, licensing over 800 to 1,000 radio stations and now, nearly 23 television stations, uses either a point system or a lottery system that has nothing to do with religious affiliation and simply awards these stations on that basis. Nothing we do changes that. But the gentleman from Massachusetts (Mr. MARKEY) will offer an amendment later to try to reinsert into the bill the capacity of the FCC to determine whether the station is educational enough; that is, again, to give it the right to get in and dictate what messages qualify, which do not; which religious messages are educational and which, in the opinion of the FCC, are not.

For example, they could not tell us whether Handel's Messiah performing in the Kennedy Center would be educational; but it would not be educational on a religious broadcast station. We can see the difficulty and why this amendment needs to be defeated. It was defeated in the committee; it should be defeated on the floor.

Finally, I want to point out that the bill does exactly what the Constitution says it ought to do when it comes to religion. It simply provides a no-nonsense statement that instructional, educational, cultural, and religious programming are treated exactly the same, no difference. No preference for religion, no penalties for religious broadcasting. In short, it literally abides by the Constitution, protects free speech, protects religious broadcasting from government interference. This is a good bill and we need to pass it, and we need to defeat the Markey amendment when it is offered.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin this debate by clarifying for anyone who may be listening what we are fighting about. In the United States, we have two types of television stations. We have commercial television stations. On commercial television stations people see the evening news, Who Wants to be a Millionaire, Survivor, a whole host of programs which are basically commercial.

Now, it is possible, and frequently it occurs, that individual religions purchase commercial TV stations because they want to use them as the vehicle by which they are able to communicate their message into a community. Those are commercial television stations.

Then we have the other kind of television stations, public TV stations. Most often we consider them to be PBS. We turn to them, we actually consider them just to have a number, in Boston it is channel 2, WGBH; and we have another smaller public television station as well. Those television stations are meant to serve the noncommercial, educational needs for the entire community. Commercial: Who Wants to Be a Millionaire, or any religion that wants to purchase a commercial station in order to advance the goals of that religion; noncommercial educational, a separate category, stations meant to serve the educational needs of the entire community.

This is a debate over one of those noncommercial, educational television stations. And the story is one which really does not deal with whether or not religions can purchase commercial stations in order to advance their goals within a particular community; they may continue to do so. This debate is over whether or not if a religion gains control over a noncommercial educational station, whether or not that religion can use it in order to advance full time, all day long the goals of its own religion, and not serve the noncommercial educational needs of the entire community.

□ 1045

That is the debate in a nutshell, should we, in other words, continue to maintain the special purpose for which these noncommercial educational stations have always been reserved while allowing religions to run them if they want but under the guidelines that historically they have always had to maintain in order to ensure that the entire community is served.

If we allow this wall to be broken down, then we are going to wind up in a situation where individual religions are able to move into community after community with populations that have very diverse religious backgrounds and to use one of these very small number of public TV stations in a community exclusively for the religious purpose of that one religion. I believe that that is very dangerous, very dangerous, especially since each one of these religions has the ability to buy a commercial TV station.

Now, as we move forward in this debate, this very important debate, it is going to be critical for everyone to understand the historic nature of what we are talking about here today. If in any way there is a misunderstanding with regard to whether or not any of us believes there should be any restrictions placed upon the ability of religious broadcasters on commercial stations to, in fact, proselytize if they want, then they misunderstand the nature of what it is we are proposing.

The essence of this debate is whether or not we want to continue to keep a distinction in place which separates public TV stations from commercial TV stations, commercial stations from noncommercial stations intended to educate the entire community.

So, Mr. Speaker, this is a debate which, unfortunately, has developed connotations which do not accurately reflect the core of the debate, the issues that are at the essence of this controversy. Our hope is that, in the course of this couple of hours, that we are going to be able to explain the very real differences of opinion that exist here with the hope that we can maintain this wall that historically we have created between the State and the establishment of religion, which I am afraid is being broken down by the legislation which is on the floor here today.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield 6 minutes to the gentleman from Mississippi (Mr. PICKERING), the author of the legislation, who has done an enormously excellent job in bringing this bill through the committee and to the floor.

Mr. PICKERING. Mr. Speaker, I rise in strong support and as a proud sponsor of this legislation. This is a critically important debate, as the gentleman from Massachusetts (Mr. MARKEY) indicated. Whereas, usually we try to find common ground on the Committee on Commerce, and I have with the gentleman from Massachusetts (Mr. MARKEY) on many occasions found that common ground, but today we are debating something that gives us a fundamental disagreement or provides a fundamental disagreement.

The gentleman from Massachusetts said the wall could be or will be or is being broken that separates church and State. He is correct. But it is not the breaking from the religious, but it is the heavy hand of government coming crashing down on that wall saying this is acceptable or this is unacceptable speech. It is the hand of the government coming in to regulate and to control and to set up a police of our speech, of our religious freedom and expression.

It is a very critical issue. Are we going to maintain the current tradition of our religious liberties and expression? Make no mistake, this is not about changing our current practice at

the FCC. This is about something that the FCC did that changed, fundamentally changed, and set a new course and a new policy for how religious broadcastings and noncommercial licenses would be regulated, the guidelines for that.

Let me read, this is from the FCC, ''This is unacceptable speech: Programming primarily devoted to religious exploitation, proselytizing, or statements or personally held religious views and beliefs.'' They went on to say, ''church services would not qualify.''

So if Martin Luther King were alive today, and he were giving a speech or a sermon at a church, that would not be educational. It would not be cultural. It would provide no instructional benefit to any communities. That is the FCC's view.

So if one is Catholic or one is Protestant or African American or serving a rural community or urban, and it is a church service where one has moral instruction, one has cultural benefit, where one has teachings of educational importance, under the FCC's view, no value.

This is what the debate is about. Do we value the voice of the religious in the public square, or do we ban, do we exclude, or do we shovel them aside? Does it have value in our culture? Should they be in our public square?

Let me read a quote that I think captures this debate. ''Americans feel that, instead of celebrating their love for God in public, they are being forced to hide their faith behind closed doors. That is wrong. Americans should never have to hide their faith. But some Americans have been denied the right to express their religion, and that has to stop. It is crucial that government does not dictate or demand specific religious views. But equally crucial that government does not prevent the expression of specific religious views.''

The person who said those words was Bill Clinton at an address at James Madison High School in Vienna, Virginia. He was talking about this issue, does the religious voice have a place in our public square? He was making the case that it does. What is more public than our public spectrum, our licenses that the FCC gives, the greatest way to communicate on a broad basis.

What does this legislation do and what does it not do? Now, if one was listening to the gentleman from Massachusetts (Mr. MARKEY) one would think that no religious institution has had one of these noncommercial educational licenses in the past, that they were reserved solely and strictly for educational institutions, for the CPB or the public stations.

The reality is that we have had a tradition and a precedent and a practice of religious broadcasters holding these licenses. What we are doing is not changing current practice, current precedent. We are simply trying to prevent and prohibit the FCC from going down a dangerous path of regulating religious speech, religious expression.

We have to do it because the FCC has tried to deem itself the holy trinity of the Constitution. They woke up one day and said, we can decide the establishment clause without a public comment or a public process, we can set a legislative policy that is reserved for this branch, not the executive branch.

So they have decided that they are both the court, the Congress, the executive branch in one, and they try to do something that is fundamentally unfair in a closed process that fundamentally challenged our core beliefs of religious freedom and religious expression.

What we are saying in this legislation today is not only, must one do everything in a public process, in a public fashion, in an open fashion, there will be no dark of nights but we are not going to allow one to undo the fundamental premises of our founding. We will not allow one to come in and regulate and control the religious speech and the religious beliefs of our people of this great Nation.

What is at stake? Do we honor our heritage? Do we say that government has the right to discriminate against religion and control religious speech? Should it be free of government regulation? Is the religious voice valuable in the public square? Is there a place for the religious voice?

With this debate, with these votes, we shall say that we will not have government intervention, interference, and regulation of the religious beliefs and religious views. We will find a value for the religious voice in the public square. We will protect that. We will not let the heavy hand of government come crashing down on the wall that separates and protects our people from an intrusive government.

I ask my colleagues to continue to vote in support of what we are trying to do today.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, just so it is very clear, if the bill being proposed today is adopted, there will no longer ever again be a requirement that a public television station must serve the educational needs of a community. They will not have that requirement any longer. It is gone. They can serve that community under this new bill as long as they are broadcasting religion all day long. They have fulfilled a requirement now under the new law. No education at all is required.

So here is a public television station. It has been in a community for 50 years, it has served the educational needs of the entire community, everyone who lives within that 1 million, 2 million, 3 million, 4 million person area, and all of a sudden it is now being run by a religion that has absolutely no responsibility to serve the educational needs of that community, none, zero, gone, do not have to ever again put on a single educational program. That is their new law.

Now, how does that serve a community? Some religion comes in, it could be a cult by the way, some cult comes in and buys a noncommercial educational station and says we are not going to serve the local educational needs of the community any longer. We are just going to have our own little cult on this TV station. Under this law, that is legal. That is legal. One cannot say anything about it.

The language in the bill says that, as long as one serves the religious purpose in a nonarbitrary or reasonable way, which the FCC would have to move in and challenge, then one is serving the entire community.

Now, how can that be a good thing? How can it be a good thing for one religion to move in, a cult potentially, buy one or two public television stations in town, and just broadcast their religion all day long.

Now, the only way in which that can be challenged is if the FCC, under their bill, the FCC comes in and determines that there is something wrong with this cult or that it is acting in an arbitrary or unreasonable way; that is this cult, this religion, that is now operating the public television station in town.

Well, let us take it a step further. Let us say two religions come along, and each one of them wants to run this public television station in the town. Now, who determines who gets this public television station? Well, under the bill, the FCC has to determine which of the two religions is more religious. Which of the two religions has the better likelihood of serving one community on the public television station, on potentially the only public television station available in town.

How can that be a good thing? How can we have the FCC in determining which religion is better, not based upon whether or not, by the way, they are going to serve the educational needs of the community, because there is no requirement, once this bill passes, that the educational needs of the community is served. They do not have to do it at all. They can, 100 percent of the time, just broadcast their religion, their cult potentially.

The FCC determines which of the two religions or cults is the better religion or cult to be the only religion on the public television station in a community that had historically been served as a noncommercial educational station, serving the entire community for the last 30 or 40 or 50 years. This is not a good idea. This is not what we intended noncommercial educational, that is, public television stations, to play as a role in communities across this country.

The deeper we get into this debate, the more troubling it becomes, because

it is very evident that, at the end of the day, there will be a small number of religions who will try their best to get ahold of these TV stations, these public TV stations, all across the country just to proselytize, just to run their religion into people's homes in these individual communities.

Again, we have nothing against any religion purchasing a commercial television station. They can do so, and they do in every single community across this entire country. We have no problem with any individual sect running a noncommercial public television station as long as they fulfill the requirements that they serve the educational needs of every child, every child who lives within that area. Every child within a 2 million or 3 million person area is not going to be served by one religion broadcasting its religion into the minds of every child in that broadcasting area.

□ 1100

That is not an educational purpose, as far as most parents are going to be concerned. Most parents are not going to want the public television station in their community broadcasting one religion into the minds of their children all day long. If a religion wants to do that, they should purchase a commercial television station. If they want to purchase the public television station in town, they should be required to serve every single child.

Now, some religions say by broadcasting their religion, even if 90 percent of the community is not of that religion, that they are furthering the educational needs of that community. Well, I would contend and maintain that almost every parent is of the belief that their child is not going to be served by listening to one religion all day long on the public television station in their community. They are going to be of just the opposite opinion; that their child is being misserved; that their child should not be watching that TV station; that it is no longer an educational TV station but it is a religious broadcasting station which should be a commercial station.

So in every one of our hometowns we have a public television station, and it has Sesame Street on it and it has all the rest of that programming that children across our country watch on an ongoing basis. Now, if this new law passes, and a particular religion gets access to one of these public TV stations, they do not have to put on anything except their own religion all day long. That cannot be a good idea. That is a complete perversion of the notion that was established 50 years ago about having these public television stations, that are public parks, in essence. They are public parks that every child, every adult can go to. It is common ground. It is not offensive to anyone. It is programming that everyone feels that they are benefiting from, not just one sect, one sub part of a community.

So, my colleagues, this bill takes the public parks that are the public television stations in our country and they turn them into private preserves of one religion, one sub part of the community. And if we want to play in that park, if we want to watch that public television station, we have to assume that our children or our families are going to be exposed continuously, 100 percent of the time, to the religious tenets of that one religion.

Again, no one has any objection to any religion purchasing a commercial television station. They do so by the hundreds across the country. No one has any objection to a particular religion running a noncommercial television station, a public television station, as long as they abide by the rules that they are serving the entire community's educational needs, not religious needs. One religion should not be able to say, here is the religious programming that this one community needs and we are going to put it on 100 percent of the time on the educational television station in town. That is wrong, and that is why this legislation should be defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute.

My friend from Massachusetts, Mr. Speaker, made an interesting speech, but he has it all wrong. We are not talking about the Sesame Street stations. There are 800 to 1,000 noncommercial religious broadcasters today on the radio. There are 23, counting the television stations in the pipe, religious television broadcasters on television holding noncommercial television licenses. That is the current state of the law. We are not talking about anything different than what currently occurs.

If those religious broadcasters were not qualified to hold those licenses, because they are producing religious programming, they would not hold them today. The FCC tried to take them away, in effect, by deciding they were going to decide what programming could be on those programs. They were going to decide what religious messages were going to be on all those stations. This bill prevents that.

Secondly, let me point out that for years these stations have operated as religious broadcasters. The FCC has always considered that the religious messages they promote all day long are currently considered primarily educational. That is the current law. The bill incorporates the current law only.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. OXLEY), who has been a leader in the fight to prevent the FCC from content regulation of religious broadcasting.

Mr. OXLEY. Mr. Speaker, let us review a little bit of history. Back in December of last year, late December, between Christmas and New Year's, the FCC determined, in a rather ordinary license swap that goes on virtually every day, in this case a Pittsburgh license swap where the religious broadcasting was changing from a commercial to a noncommercial broadcasting license, the FCC determined at that date, when Congress was not in session, under what would be considered to be an ordinary license swap that the FCC would determine what would be educational, and they would determine whether, in fact, that particular broadcaster was broadcasting enough of what they would consider to be educational programming in nature. This was essentially a determination by the FCC what was educational or what was not, for the first time basically setting up the Government as the arbiter of what was to be considered educational broadcasting. It was a brazen attempt to force traditional religious programming off noncommercial channels.

At that point, working with the gentleman from Mississippi (Mr. PICKERING), the gentleman from Oklahoma (Mr. LARGENT), the gentleman from Florida (Mr. STEARNS), we all immediately wrote a letter to the FCC and then later introduced a bill, as soon as Congress returned, which overturned that directive. Religious viewers and listeners flooded Capitol Hill. I am sure many of the Members received phone calls and letters and faxes and E-mails regarding this outrageous decision by the FCC.

Because of the public outcry, the FCC almost immediately then vacated the order that they had first introduced after our bill was put in the hopper. But ultimately they never acknowledged, that is the FCC majority, their procedural, legal, or constitutional errors. And let me point out that the original vote, with two strong dissents from Republican Members, was a 3 to 2 vote, basically ruling that the FCC had that ability to determine what was educational. They quickly retreated and that vote was a 4 to 1 vote, with Commissioner Tristani voting in the negative to vacate the ruling.

But the interesting thing about the original decision and the vacation of the ruling was that the FCC never acknowledged their procedural, legal, or constitutional errors. They blamed the controversy on ''confusion over their intent.'' I do not think there was ever any confusion about what the intent of the majority was. One commissioner, Commissioner Tristani, even dissented from overturning the order, saying that she would continue to vote as if the original directive were still in place, and she, in fact, testified to that before the committee.

Against this backdrop we worked together to craft a bill, which is now 4201, sponsored by the gentleman from Mississippi, which is on the floor today. It

would prevent the FCC from restricting religious content in the future by affirmatively stating that cultural and religious programming meet the educational mandate.

Now, I assume my friend from Massachusetts probably supported the original decision by the FCC; and as a result, we are here today. Some public broadcasting stations are opposing the bill. I can only conclude that they do not want to share their free noncommercial spectrum with religious broadcasters. But let us make one thing clear. Public broadcasters do not have a special claim to noncommercial channels. Indeed, if they did, C–SPAN would not be on the air. Religious broadcasters and others have an equal right to hold such licenses.

H.R. 4201 is a measured response to the effort to single out religious content for special scrutiny. The FCC has no business discriminating against faith-based programming. H.R. 4201 merely spells out that religious and cultural programming deserve the same treatment as educational and instructional programming. Nothing more and nothing less.

Ultimately, the issue is about freedom of religious expression and, indeed, whether government can control content. That is the ultimate issue. And the Constitution is pretty clear on that; that government shall not determine content.

Now, my friend from Massachusetts is worried about a cult getting a radio station. I would point out that the bill states that broadcasters' determinations that their programming serve as an educational, cultural, or religious purpose may not be arbitrary or unreasonable. So I would say the argument is fallacious.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

The bottom line on this bill is that under current law the FCC decides whether the programming is educational. That is their job: Does, in fact, the public TV station fulfill the educational requirement to serve the entire community. If we adopt this bill, the FCC will have to decide whether the programming is religious. That is its responsibility.

Now, no one believes that it is the job of the FCC to make religious determinations, yet that is exactly what this legislation asks it to do. We will have turned the Federal Communication Commission into the faith-based content commission, all the time saying that they did not mean to. They did not mean to do that; they did not mean to have the FCC determining whether or not this public television station had served the religious needs of the community. But it will have to do that.

If we support public television, we should vote against this bill. If we support keeping Federal bureaucrats out of religion, we should vote against this bill. But if we want the Federal Communications Commission deciding whether a broadcast applicant is sufficiently religious to qualify for a brand new licensing category, entitled ''primarily religious,'' then this bill is the right bill. This takes the public television stations across America and has the Federal Communication Commission determining whether or not they are primarily religious; that is, are they religious enough.

Again, there is nothing wrong with some religion running a public television station. There is nothing wrong with them having a religious component. Much of what can be done with a public television station can include a lot of religious educational broadcasting. Educational. Not proselytizing, but educational. And that occurs today. It occurs today on a thousand radio stations across the country. It occurs on public television stations today that are being operated by individual religions, but it does not allow that religion to turn it into nothing more than a sanctuary for their own religion broadcasting 24 hours a day into the homes of every person that lives in that community.

Now, just so it is clear, there are a lot of people that oppose this particular bill. The Interfaith Alliance opposes it, the National Council of Churches of Christ in the United States opposes it, the National Education Association opposes this bill, the National PTA, the prime supporters of public television in America, especially because of its children's television component, opposes it. The National PTA opposes this bill. The Unitarian Universalists Association of Congregations opposes this bill.

This should send chills up the spine of any person that really does respect their own religion. Because rather than having a public television station in a community any longer serving the entire community, we are going to wind up with individual religions thinking that they can take one of the small number of public television stations in each community and just turning it into their own private preserve.

Again, nothing wrong with information on a public television station that is educational when it relates to religion, but when it turns into something that is nothing more than a pulpit for one church, I think there are real problems.

Mr. Speaker, I reserve the balance of my time.

□ 1115

Mr. TAUZIN. Mr. Speaker, I first yield myself 30 seconds to read my colleagues a list of associations in support of this legislation: The Christian Coalition; the American Family Association; Concerned Women for America; Family Research Council; Home School Legal Defense Association; American Association of Christian Schools; Justice Fellowship; Religious Freedom Coalition; Republican Jewish Coalition; Traditional Family Property, Inc.; Traditional Values Coalition; Vision America.

There is huge support among the religious community for this bill.

Mr. Speaker, I yield 1 minute to my friend, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, the first amendment to our Constitution establishes the freedom of religion, freedom of speech, freedom of the press, freedom of assembly, and freedom to petition for redress of grievances.

This debate combines two of our most precious freedoms, the freedom of speech and the freedom of religion. These freedoms are the core of the first amendment and the Bill of Rights.

Do we really believe our Founding Fathers wanted the Federal Government to restrict or regulate free religious speech on our airwaves? This legislation will send a strong message to the FCC that they cannot and should not restrict free speech of religious broadcasters.

The Federal power to issue licenses to regulate commerce is a powerful one. It should not be misused to restrict, control, or regulate our freedom to speak or worship as we see fit. There is nothing that teaches children more that something is irrelevant than to require something be completely ignored. To require silence teaches irrelevance. We might as well teach religious bigotry.

The FCC tried once to restrict religious speech in the public square. This bill will make sure they will not do it again. Mr. Speaker, I urge my colleagues to vote for the legislation and reject the amendment.

Mr. TAUZIN. Mr. Speaker, I yield 4½ minutes to my good friend, the gentleman from Florida (Mr. STEARNS), from the Committee on Commerce.

Mr. STEARNS. Mr. Speaker, I thank the distinguished chairman for yielding me the time.

Mr. Speaker, this is a very easy bill to understand. What the gentleman from Massachusetts (Mr. MARKEY) wants to do is have a government-based content bill; and what we want to do is continue the status quo.

Now, there are five FCC commissioners who decided this ultimately in a 4–1 decision. On the commission there are five commissioners. Two are Republicans, and three are Democrats. They voted 4–1 in favor of what the gentleman from Louisiana (Mr. TAUZIN) has tried to do.

So, in this case, two Democrats on the commission who have all the information that is necessary and understand it much better than the gentleman from Massachusetts (Mr. MARKEY), perhaps better than anyone else

here, voted with the gentleman from Louisiana (Mr. TAUZIN). They felt the status quo and the precedent had been established and that they did not want to have government-based content.

In my home State of Florida there are three stations, one out of Boca Raton, Ft. Pierce, and Jacksonville, 24-hour a day with religious broadcasting. More than 125 noncommercial television broadcasters would be forced to completely drop their programs.

Under the amendment of the gentleman from Massachusetts (Mr. MARKEY), it would be almost impossible for a broadcaster to walk this line created by his bill. In fact, we had a hearing. Ms. Tristani, who is one of the commissioners, was asked to actually tell us if she could determine what was educational and what was religious broadcasting. And she admitted she could not.

In fact, I asked her during the hearing, would a TV show on collecting comic books or wrestling magazines be educational or not. She could not answer. Instructions on living with the Ten Commandments, is that religious or is that educational? Shows on collecting pet rocks. In all three cases, she had no idea whether that was educational or religious broadcasting. And that shows the confusion that people would have to culturally decide what is educational and what is religious broadcasting.

Let me quote from Furchtgott-Roth, who is one of the commissioners. He said, ''The scariest moment, the most frightening moment, the most chilling moment'' in all of his tenure at the FCC is when his staff asked him if he wanted to review videotapes to make the decision whether it was educational or religious. And he went on to say, ''I will never support any move to have the Government in a position of deciding whether programming fits into any one pigeon hole or another.''

So if my colleagues want more FCC regulation, then vote for the Markey amendment. If they believe in restricting, changing the precedent changing the status quo, then they should vote for the Markey amendment.

I believe, actually, the Markey amendment is unconstitutional because it allows the Federal Government to scrutinize and grade the content of religious broadcasting. It would insert the word ''educational'' in front of ''religious broadcasting,'' which would give the FCC discretion to determine whether religious broadcasting is, in fact, educational.

I think it creates a loophole for allowing the FCC to continue to regulate unabashedly in this country and avoids the original intent of H.R. 4201.

So I ask my colleagues to vote no for the Markey amendment and yes for the Tauzin bill and understand that when they are voting for the Tauzin bill, they are voting for the present status quo, the tradition which has existed in this country for so many years.

Many of us believe the FCC should be reformed. We do not have an FCC with the computer industry. With all the information we have coming to Americans today, up to 250 channels through direct satellite broadcasting, wireless, the Internet, cable, and all the myriad of new innovations that are coming, do we need the FCC standing in the gap and saying to Americans this is what they will watch and this is what they will not watch?

In fact, we probably should go back to the licensing of educational broadcasting stations and reform that because of the information that is available.

So I urge no on the Markey amendment and yes on the Tauzin.

Mr. MARKEY. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I do thank my good friend from Massachusetts (Mr. MARKEY) for yielding me the time, and I hope the House has been listening to him.

Mr. Speaker, if my colleagues want to start the religious wars, if they want to create all manner of trouble, if they want to put together a piece of legislation that is going to bring the Government into real conflict over religion, if they want to have a massive amount of trouble at some future time when the broadcasters and the people and the religious institutions in this country find out what we have done, then, by all means, vote for this legislation.

First of all, this legislation is opposed by religious groups who are smart enough to know the evil that we are sowing amongst ourselves today. That includes the National Council of Churches of Christ in America and a large number of other religious institutions which know that they do not want Government in their business.

Second of all, it is fully possible for a religious broadcaster to purchase a station which they can use for religious purposes in any fashion they want. It is also possible for them to bid on an educational station and to simply establish that they will provide good educational services in addition to religious services. They are doing that all over this country and are exercising that right. No one has been kicked off.

The FCC, in its great folly, and I want to point out I was as critical of the FCC on that matter as was anybody else in this Chamber, has withdrawn the rather silly set of rules which they were proposing. So there is no threat to religion, no threat to religious broadcasters under practices as they exist today.

Now, I would point out that what this does is to give essentially a situation to the American people in which, first of all, anybody who calls himself religious or a religious institution can proceed to go about getting one of these. And let us talk about who would receive special preference and special treatment under this.

The World Church of the Creator, a White Supremist Institution; the Aum Supreme Truth, that is the institution which gassed the Japanese subways; the Branch Davidians and Mr. David Koresh; Heaven's Gate, where there were suicides in March of 1997 outside of San Diego; the People's Temple, run by Mr. Jim Jones, who poisoned people with Kool-Aid. These are all subject to very special and preferential treatment under the legislation which is presented to us today.

The Movement for the Restoration of the Ten Commandments of God in Uganda, where, on March 17 of this year, some 1,000 people were killed. Charles Manson and family, who had a religious mission we are so told. Satanism would qualify because it is a religion. And witchcraft or the local coven could seek to get special preference under this.

The result of this kind of situation is the FCC is shortly going to be compelled to come forward and to hold comparative proceedings between religious institutions. This is something which the FCC since its creation has prudently, carefully, wisely, and successfully avoided.

The practical result of comparative proceedings between two religious groups or between a religious group and an educational group, without having clear definition of what the purposes of the legislation are or what must be the defined behavior of the applicant, is to create a massive opportunity for real religious difficulties and troubles which will come back to plague not only this Chamber but the people of the United States.

I think that the amendment offered by the gentleman from Massachusetts (Mr. MARKEY), which will shortly be before us, is perhaps a way out of this thicket because it again restores the responsibility of the FCC to see to it that the judgment on channels which are now educational, and they are required under law to be educational but may also be religious, is the way to resolve the problem to keep the FCC and this Congress and this Government out of the business of making selections with regard to whose religion will receive a preference in terms of receiving a license to broadcast on airwaves which are a public trust.

If we want to get away from that, then vote for the bill and vote against the Markey amendment; and we are going to have all kinds of trouble, and there are going to be lots of red faces around this place; and lots of people who are going to be trying to lie out of what it was they did at some prior time.

Now, I repeat, I am no defender of the FCC. I have gone after them harder

than anybody else in this institution and with excellent good reason. And I think their original judgment in this matter was wrong. But they have withdrawn that and that issue is no longer.

I would observe that to do what we are doing here is no correction of anything which is wrong in broadcasting. Religion broadcasters can now broadcast under full license of the FCC. There are no end of religious broadcasters who are running religious and educational stations who have gotten the right to do that under the regular practices now in force. There is no reason to change that. And they broadcast both educational, they broadcast cultural things, like music. And they also broadcast religion, something which I applaud.

There is no threat to religious broadcasting in this country at this time. The FCC has withdrawn anything which offered any peril to religion broadcasters and to the use of our airwaves for religious purposes. But to take this legislation and to put the FCC in a position of having comparative hearings over the question of who is going to broadcast should gray the hair of anybody in this Chamber.

I urge colleagues to vote against the bill, vote for the Markey amendment, and to support the views that are held and brought forward by responsible religious groups and religious broadcasters.

H.R. 4201 purports to correct a particularly unwise decision made by the Federal Communications Commission last year. As many Members are aware, I am not generally known to be a great fan of the FCC. It is an agency that often blunders badly, and this mistake was certainly no exception. However, what makes this FCC foul-up unusual is that the Commission admitted its error and quickly corrected it.

So why is this bill before us? The sponsors say that legislation is needed to make sure the FCC does not make the same mistake again down the road. Ordinarily, I would agree. A prophylactic measure often is called for when dealing with an agency—like the FCC—that seems to take great sport in pushing the limits of its authority on a regular basis.

Unfortunately, the bill before us is not a simple prophylactic measure. It goes well beyond its stated purpose. In fact, it could not be clearer from the text that its drafters intend to fundamentally change the character of public broadcasting in this country.

For nearly 50 years the government has set aside specially reserved radio and television channels for public, noncommercial use. These channels are available to qualified organizations free of charge, with a catch. The catch is that these groups must have an educational mission, and must broadcast some educational programming.

This bill would change all that. It would actually abolish the educational requirement for public television programs. The bill's sponsors seem to think that promoting education is too much to ask of groups that receive this special license.

The fact is that the majority of Americans support public broadcasting as we know it today. An even greater number believe that education should be among the nation's top priorities. This bill manages to eviscerate not one, but both of these important American values in one fell swoop.

The bill suffers additional infirmities. It contains no definition of "nonprofit organization" or "religious broadcasting" to help determine who is eligible to receive this special license. As a result, any religious extremist or cult group would be eligible for a noncommercial license—at the expense of the American taxpayer—and program anything it sees fit, whether educational or not.

Hate speech, religious bigotry, and doomsday prophesies are all fair game, so long as the group asserts a "religious purpose." Parents who today rely on public television as a safe haven for their children may have nowhere to turn if this bill is enacted. Sesame Street and Mr. Rogers' Neighborhood could be displaced by programming produced by cult leaders like Jim Jones and David Koresh—each of whom would have been eligible to receive a specially reserved television channel under this bill.

The Markey amendment, which will be offered later, is an extremely simple, but significant, improvement to this legislation that I support. I would note a particular oddity in the underlying bill. While it eliminates the educational requirement for public broadcasting, the drafters still use the term "noncommercial educational license" throughout the text. The Markey amendment would simply restore proper meaning to this term by requiring an educational commitment of all public broadcasters—religious or secular—who hold this special license.

I urge my colleagues to support the Markey amendment and oppose H.R. 4201 as reported.

Mr. TAUZIN. Mr. Speaker, I yield myself 30 seconds to correct the RECORD.

Mr. Speaker, nothing in this bill creates a requirement on the commission to do comparative hearings to decide which religious broadcaster get a station. Nothing could be further from the truth.

The current law which is incorporated in this bill has a four-point system that is purely sectarian, has no religious connotations at all. It deals with diversity, statewide networks, technical parameters, and establishes local entity points that are awarded to the winner of these licenses, totally no connection at all to whether or not this entity is religious.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HALL), who is in support of the legislation.

□ 1130

Mr. HALL of Texas. Mr. Speaker, I rise today in support of the Noncommercial Broadcasting Freedom of Expression Act. It is a bill, as has been said here many times, that will ensure that Americans are going to continue to enjoy the broadcasting of church services and other religious programming that is on our Nation's broadcast channels. I have high regard for the gentleman from Michigan (Mr. DINGELL) who just spoke. He named off a group of people that really should not have had access to the channels. They did have. But of the 12 the Master picked, one of them was bad, that was Judas, and that is about the only one most people can name.

This is a bill that would preserve the freedom of religion and religious expression, and I think prevents the FCC from regulating the content like they did some time back.

H.R. 4201 is an outgrowth of a decision by the FCC that would have restricted religious broadcasting on television. This action, and I think it was done without the benefit of any public comment or any congressional input, I believe it was done December 28 or 29 when Congress was not even in session and Congress was not even in town, would have forced some religious television broadcasters to either alter their programming or risk losing their licenses. The FCC ruling was wrong from both a procedural and a constitutional standpoint. It would have set a dangerous precedent that would have suppressed religious broadcasting and narrowed the definition of what is considered educational.

In response to this ruling, several of us got together and thousands of Americans in protesting the action of the FCC and called for an immediate reversal of this ruling. Now, something happened after we made that calling and that insistence. The gentleman from Mississippi (Mr. PICKERING) was among those, the gentleman from Ohio (Mr. OXLEY), and others of us. The FCC backed down on it. And unless they were definitely and totally wrong not only in their action but in how they took that action, they would not have taken that backward step. I also joined several of my colleagues in cosponsoring the Oxley bill, the Religious Broadcasting Freedom Act, which could have required the FCC to follow established agency rule-making procedures.

H.R. 4201 is an outgrowth of these efforts and goes a step further by making it a little bit easier for religious broadcasters to obtain noncommercial educational broadcast licenses. I am pleased to join the gentleman from Mississippi (Mr. PICKERING) and others on both sides of the aisle as a cosponsor of this important legislation.

In closing, we need this bill to ensure that there will be no erosion of freedom of religious programming in America. Mr. Speaker, we need this bill to ensure that Americans will continue to enjoy the religious broadcasting that they have come to depend upon. And we need this bill to ensure that the Federal Government does not become involved in regulating content of our broadcast programming.

I urge my colleagues to vote to uphold freedom of expression by voting in support of H.R. 4201 as it is now written.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume in conclusion on this portion of the debate.

The gentleman from Louisiana contends that there will be no comparative test that has to be put in place by the Federal Communications Commission in order to determine which one of two religions is better qualified for the maintenance of a particular public television station in a particular community. But the reality is that once his language is adopted, once a television station, a public television station, can be primarily religious, then necessarily that test is incorporated into the historical set of criteria which must be looked at by the Federal Communications Commission to determine which potential applicant is more qualified to operate a public television station in a particular community.

In other words, Federal Communications Commission which historically has meant Federal Communications Commission, will be changed from FCC, Federal Communications Commission to FCC, Faith Content Commission. The FCC will have to determine which of the two religions is better qualified to run a public television station.

Now, do we really want the FCC to be in the business of determining which religion is better qualified, which one is more primarily religious in its operation of a public television station? I do not think we really want that. I think that the historical standard of which of the applicants will better serve the educational needs of a community is the standard which we should maintain, it has served our country well, and it is one which I believe once the debate moves to the Markey amendment will be better understood by all who are watching it, and ultimately I think, hopefully, supported so that we can maintain that status which has served our country so well.

Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. COX), a member of the Committee on Commerce.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from California (Mr. COX) is recognized for 2 minutes.

Mr. COX. Mr. Speaker, I agree with essentially all of the arguments that were advanced by the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. DINGELL) just now in opposition to this bill because everything that they said makes sense. We ought not to have the FCC become the Faith-based Content Commission. The reason we are here on the floor is that that is exactly what the FCC tried to do.

Six months ago, the FCC ruled that church services would not qualify as general education programming. Six months ago, the FCC ruled that the broadcast of religious views would not constitute educational programming. The FCC ruled that the broadcast of religious beliefs would not qualify as educational programming. The FCC put this out in the form of a rule. They, not the Congress, put the word ''religion'' into the test for whether or not you could get a broadcast license. And so this legislation is necessary to take away that discretion. So much for the arguments made by the gentleman from Massachusetts.

The gentleman from Michigan then says, ''Well, it's not necessary to be here on the floor because the FCC has withdrawn their stupid rule,'' and many of the minority who spoke against this bill called the FCC's action stupid. It was withdrawn, they said, because the FCC should not have ventured into this area. This legislation is necessary to take away power that the FCC apparently thinks it has, but no one in the majority or the minority wishes them to have, to adopt such a significant policy change as they attempted to do here to take religious broadcasting off the air without any public notice or input.

We should vote for this legislation for this reason. Here is what it says: The Commission should not engage in regulating the content of speech. That is what this is all about. Vote aye.

Mr. POMEROY. Mr. Speaker, I rise in opposition to H.R. 4201, the Non-Commercial Broadcasting Freedom of Expression Act. This legislation eliminates the educational requirement from non-commercial public radio and television stations that receive free spectrum. This program was created by the Federal Communications Commission (FCC) nearly fifty years ago to serve the needs of our communities and provide educational programming to all of our families. I simply cannot watch this scarce and valuable resource be endangered by this bill. Pressure for spectrum is more intense than ever. I believe it is important to maintain the longstanding commitment to programs of broad public educational content.

As it stands, religious broadcasters are currently eligible for a license for non-commercial educational (NCE) broadcast television channels if they can demonstrate that their programming will be ''primarily educational'' in nature. H.R. 4201 eliminates the requirement that programming have an educational content.

This bill would set the stage for unwelcome government interference into religion. It would place the FCC in the untenable position of picking between competing claims of various denominations and religions—a dangerous precedent in which the government would be expressing a preference of one religion over another. With this legislation, the FCC would be forced into a position in which it must choose between two opposing religious groups that are competing for the same license. This is in clear violation of the First Amendment. Moreover, the elimination of the educational requirement opens the door to allow any fringe group in America to qualify for a free broadcast license.

Some have said that the Non-Commercial Broadcasting Freedom of Expression Act was spurred on by a misguided ruling on the part of the FCC this past December. The FCC approved Cornerstone TeleVision Inc.'s application for an NCE license with ''additional guidance'' intended to clarify the current standards and stating that at least one-half of Cornerstone's broadcasting needed to meet an educational purpose. The FCC also offered guidance as to what constituted educational programming. After a great deal of criticism from across the political spectrum for the undue meddling of the FCC, the agency rescinded the ''additional guidance'' section of the license approval offer. The problem had been solved. Yet, this legislation, which aims to prevent undue government interference in the future, creates a new problem as the FCC determines which religious organizations warrant a license and which do not.

Mr. Speaker, the whole proposition raises many troubling questions which leaves me convinced we are better off under present law. I fully support religious organizations being eligible to apply for and receive non-commercial broadcast licenses as prescribed under current statute. Many of these organizations are already broadcasting educational programming successfully and adding to our greater understanding of faith and religion. The goal here is to preserve the integrity of a program that brought our children high quality shows such as Sesame Street and Mr. Roger's Neighborhood. At its very core, public broadcasting was meant to have an educational purpose. To eliminate that provision is to place this entire program at risk.

Mr. BLILEY. Mr. Speaker, let me start by thanking my colleagues from the Commerce Committee, Subcommittee Chairmen TAUZIN and OXLEY as well as CHIP PICKERING, for their hard work on this important issue.

Last December, while we were all back in our Districts for the holidays, the FCC attempted to get into the business of determining acceptable programming for public broadcasters.

Included a decision regarding a specific radio station in Pittsburgh, the FCC created ''additional guidelines'' that could have had sweeping changes to the way many broadcasters operate.

The FCC tried to claim that the changes were simple clarifications.

Further, the FCC also tried to make these changes without appropriate notice and comment.

The fact is that some in the FCC wanted to make the statement that religious expression is not educational and thus calling into question the noncommercial broadcast licenses held by religious organizations.

The truth of the matter is that these changes were more than clarifications. Beyond bad policy, the FCC's failure to allow the general public a chance to comment is equally harmful.

And criticism of these changes was universal. In fact, the outrage was so overwhelming that FCC rescinded their order in twenty-nine days. The FCC knew it was in the wrong and quickly tried to get out of the mess.

But what happens if in the future the FCC tries the same thing? What happens if instead of an explicit policy, the proposed additional guidance is implicitly used by staff behind closed doors?

It is now up to Congress to make sure something like this doesn't happen again. We have a responsibility to prevent the FCC from making content regulations for religious broadcasters using our nation's airwaves. We can achieve this today by passing H.R. 4201.

We are here not because the Federal Communications Commission simply made a mistake. We are here to make it abundantly clear that the FCC shall not have authority to impose such requirements now, or in the future.

Congress must act now and H.R. 4201 is the right legislation. I urge all Members to support this bill.

The SPEAKER pro tempore. All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MARKEY:

H.R. 4201

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Noncommercial Broadcasting Freedom of Expression Act of 2000''.

**SEC. 2. CLARIFICATION OF SERVICE OBLIGATIONS OF NONCOMMERCIAL EDUCATIONAL OR PUBLIC BROADCAST STATIONS.**

(a) SERVICE CONDITIONS.—Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following new subsection:

''(m) SERVICE CONDITIONS ON NONCOMMERCIAL EDUCATIONAL AND PUBLIC BROADCAST STATIONS.—

''(1) IN GENERAL.—A nonprofit educational organization shall be eligible to hold a noncommercial educational radio or television license if the station is used primarily to broadcast material that the organization determines serves an educational, instructional, cultural, or educational religious purpose (or any combination of such purposes) in the station's community of license, unless that determination is arbitrary or unreasonable.

''(2) ADDITIONAL CONTENT-BASED REQUIREMENTS PROHIBITED.—The Commission shall not—

''(A) impose or enforce any quantitative requirement on noncommercial educational radio or television licenses based on the number of hours of programming that serve educational, instructional, cultural, or religious purposes; or

''(B) impose or enforce any other requirement on the content of the programming broadcast by a licensee, permittee, or applicant for a noncommercial educational radio or television license that is not imposed and enforced on a licensee, permittee, or applicant for a commercial radio or television license, respectively.

''(3) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as affecting—

''(A) any obligation of noncommercial educational television broadcast stations under the Children's Television Act of 1990 (47 U.S.C. 303a, 303b); or

''(B) the requirements of section 396, 399, 399A, and 399B of this Act.''.

(b) POLITICAL BROADCASTING EXEMPTION.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended by inserting '', other than a noncommercial educational broadcast station,'' after ''use of a broadcasting station''.

(c) AUDIT OF COMPLIANCE WITH DONOR PRIVACY PROTECTION REQUIREMENTS.—Section 396(l)(3)(B)(ii) of the Communications Act of 1934 (47 U.S.C. 396(l)(3)(B)(ii)) is amended—

(1) in subclause (I), by inserting before the semicolon the following: '', and shall include a determination of the compliance of the entity with the requirements of subsection (k)(12)''; and

(2) in subclause (II), by inserting before the semicolon the following: '', except that such statement shall include a statement regarding the extent of the compliance of the entity with the requirements of subsection (k)(12)''.

(d) IMPLEMENTATION.—Consistent with the requirements of section 3 of this Act, the Federal Communications Commission shall amend sections 73.1930 through 73.1944 of its rules (47 C.F.R. 73.1930–73.1944) to provide that those sections do not apply to noncommercial educational broadcast stations.

**SEC. 3. RULEMAKING.**

(a) LIMITATION.—After the date of enactment of this Act, the Federal Communications Commission shall not establish, expand, or otherwise modify requirements relating to the service obligations of noncommercial educational radio or television stations except by means of agency rulemaking conducted in accordance with chapter 5 of title 5, United States Code, and other applicable law (including the amendments made by section 2).

(b) RULEMAKING DEADLINE.—The Federal Communications Commission shall prescribe such revisions to its regulations as may be necessary to comply with the amendment made by section 2 within 270 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 527, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Louisiana (Mr. TAUZIN) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume. This amendment is very straightforward and very simple. It restores the word ''educational'' in two key areas. First, in establishing eligibility to obtain a noncommercial educational license, a public TV station, it stipulates that one must not merely be any nonprofit organization but rather a nonprofit educational organization.

Secondly, it restores the educational basis for the programming by adding the word ''educational'' before the word ''religious'' in the underlying legislation.

The point here is that noncommercial educational licenses should have an educational basis. If we do not pass the Markey substitute, the underlying bill has the effect of gutting the educational basis for public television because it would permit religious programming to qualify for such licenses 24 hours a day, 7 days a week.

Now, many of us would be very happy to have religious organizations broadcast in our communities, and many do so today under commercial licenses. A few also do so on noncommercial educational licenses, yet adhering to the educational requirements that such licenses hold. Nothing in this amendment would prevent religious programming. It simply states that in order to have a public TV license, a noncommercial educational license, you must be primarily educational in your programming.

I know that we have a difference of interpretation of what the sponsors of the bill believe their bill does. The sponsors believe that their bill does not change the eligibility requirements and operational requirements of noncommercial educational licenses, that is, public TV stations across the country. I continue to believe that the deletion of the word ''educational'' from the eligibility requirements so that noncommercial educational licenses are able to be licensed to any nonprofit organization as well as the inclusion of the word ''religious'' as a category of broadcast material for which these licensees must primarily serve their communities is a fundamental change.

The FCC has indicated that some religious programming will certainly qualify as educational. It always has. But we must remember that we have set these broadcast licenses aside to serve the community with educational programming. We have exempted these licenses from the auction process.

Again, that is not to say religious organizations cannot be noncommercial educational licensees. Many already hold such licenses under the current licensing regime. The only question is whether we are going to change the nature of the trusteeship of the public's spectrum. Again, these are our public

airwaves. We ought to ensure that these licenses that have been specifically set aside to serve the community, the entire community, with educational, noncommercial programming serves to the maximum extent possible the educational needs of the whole community. Religious organizations can certainly fulfill that role. We welcome them in that role. But we do not have to change the eligibility and operational requirements for them to effectively participate.

Again, I believe that we tread on very dangerous ground where sectarian messages intended for the followers of a particular religion are licensed to displace nonsectarian educational messages intended for the entire community. Again, I believe we go too far where the government favors religious messages by specifically blessing them by exempting them from spectrum auctions.

My amendment simply restores the educational focus for these licenses, and I hope that the House supports it.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first say the gentleman from Massachusetts' amendment is not simple at all. It is not simple at all. By reinserting the word ''educational'' in front of the word ''religious,'' what the gentleman from Massachusetts is doing is giving the FCC the authority to decide which religious programming is educational enough according to their standards. That is precisely what they tried to do in December. It is precisely the wrong, stupid action they took in December that even my colleagues on the other side have condemned as stupid and for which they turned around with a 4-to-1 vote and reversed themselves. This amendment would give them the power to do it again. And at least one of the commissioners said, given the chance, she will do it again, she will put the commission in the business of deciding which religious program, which religious message is educational enough to satisfy a Federal bureaucrat.

□ 1145

If it is not, the license can get pulled. Would that not be wonderful in America? Would we not be really blessed to have this amendment in the law, to give five federally appointed bureaucrats the right to say which religious messages are okay on these noncommercial stations and which are not?

Now, the gentleman will make us believe that there are only a few of these stations, just a little rare exception somewhere. My friends, there are 800 to 1,000 religious radio broadcasters holding noncommercial licenses today in radio. All across America, there are religious organizations and family groups who have religious programming on these stations, and nobody until December, nobody in Washington had the nerve, had the audacity under our Constitution to suggest that they knew better than those programmers what was good religious programming, what was educational enough to satisfy the bureaucrats up here in Washington.

Like bureaucrats in Washington know the value of religion in our homes and in our communities. Let me tell you where these stations are, they are across America. There are 23 religious television stations in America, 23, I say to the gentleman from Massachusetts (Mr. MARKEY), not just a few.

There is one, for example, in Takoma, Washington, the Korean American Missions Incorporated. There is one in San Antonio, Texas, the Hispanic Community Educational TV, Incorporated. There is one in West Milford, New Jersey, Family Stations of New Jersey, Incorporated; The Word of God Fellowship in Denver, Colorado. They are across America.

There are stations that own these noncommercial licenses and do religious broadcasting for the good of this country and the good of families all over America; and the bureaucrats in Washington would like the right to put them off the air because their religious views are not educational enough to satisfy whatever the standards of five commissioners sitting at the FCC are.

For heaven's sake, do we really want to give them that power? If we really do, adopt this amendment; that is what it does. If we want to take the power away from the FCC to decide whether a religious message or program or religious church service is educational enough to meet these standards, whatever they are, then vote for this bill; that is all it does.

It simply says for the future the FCC can no longer try to do the stupid thing they tried to do in December and the thing they would be allowed to do if the Markey amendment is adopted. We need to defeat this amendment and pass this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I rise in support of the Markey amendment, and I urge my colleagues to do the same. The bill we are voting on today is quite simply an overreaction. The FCC attempted to clarify a rule. It then made a controversial decision and subsequently withdrew it, as they should have.

Today, my Republican friends at the behest of conservative religious groups are seeking to make sure that the FCC can never again venture into this area. They are seeking to use the power of the Congress to write a statute that fences the FCC off from this area.

Now, some may think this is the way that the Congress should spend its time. I think the FCC acknowledged that it made the mistake that it did; but it is overreaction, because the bill goes even beyond overreaction.

The bill is showpiece legislation for religious groups in my view. It is unnecessary. It is very, very poorly drafted, and it creates a bad precedent; but these are not criteria which exclude us from considering it. It goes beyond that.

The bill contains a very dangerous constitutional flaw. It opens the door for religions to qualify for a free noncommercial educational license provided at taxpayer expense.

We should strike that portion of the bill, by at least passing this amendment. Without this amendment, in my view, the legislation makes clear that the majority intends to change the fundamental nature of public broadcasting in America.

No longer will anyone have to prove their educational mission to obtain an educational noncommercial television license.

That standard will be changed. It will be relaxed to require only that a religious purpose exists. And how will the FCC define that religious purpose? It cannot; because the Government really has no business defining it. Therefore, anyone calling itself a religion can qualify; anyone including cults and charlatans that have called themselves prophets and even some that spread hate in our country, people like David Koresh, and Jim Jones others.

I do not think the Congress wants that. I do not think the country wants that. Mr. Speaker, without this amendment, the bill will present the FCC with the choice of choosing between religious groups. On its face it presents an unconstitutional predicament for the FCC.

In practice, it will allow potentially anyone to qualify for this free license. I appreciate the intent of those that support this bill. Many Members on the Committee on Commerce expressed what I think were somewhat sincere views. Protecting religious expression is not only a worthwhile objective for this Congress, it is our duty.

Remember the oath that we all took, when we were sworn in. Mr. Speaker, we should pass this amendment, if we do not, we will be passing legislation that will be overturned as unconstitutional. And more importantly, if we do not, we are providing television time and taxpayer money to underwrite religion. This is a slippery slope of government sponsorship of religion itself.

Mr. Speaker, I urge support of this amendment. It makes sense. It is good for the country. We do not need to be taking up the time of the Court to strike down the unconstitutional work of the Congress.

Mr. TAUZIN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, again, to correct the RECORD, without the Markey amendment, the legislation, standing as it is, does not create any new standards to judge these licenses. The legislation codifies the words and the status quo, the old standard, the commission always used until December. It simply says that they will yield to the discretion of the religious broadcaster in its own programming, unless that discretion is exercised in an arbitrary or unreasonable manner, and they have always had that standard, that is, the standard in this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Speaker, I rise in opposition to the Markey amendment. It is always a good debating point to set up a straw man. In this case, my friend from Massachusetts (Mr. MARKEY) sets up this straw man as being some kind of a cult that would somehow get a noncommercial license and proselytize through that operation.

I would simply say to my friend from Massachusetts (Mr. MARKEY), that the legislation that was debated in committee, now being debated on the floor, is pretty clear, that unless it is unreasonable or arbitrary that the decision by the broadcaster will maintain and, in fact, that is the way it was from time immemorial until the FCC in this middle-of-the-night decision over the holidays determined that they would use a rather ordinary license swap to try to maintain their ability to determine what content was in the area of religious broadcasting; and had it not been for the Congress and Members of the Committee on Commerce acting quickly to point out what problems that decision would bring, had it not been for that outcry and the outcry from the people of this country, the FCC would have never decided to rescind that decision.

This bill makes certain that no matter who is at the FCC, no matter who appoints an FCC in the future, that these kinds of arbitrary decisions based on educational or cultural content basically determining what that content is by the Government shall not maintain, and that is really why this legislation is absolutely necessary.

If I was confident that in the future any FCC would follow the standard procedures that they had in the past and license swaps and decisions on licenses, I would feel a lot more comfortable. But I have to say that we have evidence to the contrary. Three FCC commissioners, the three Democrat FCC commissioners made the determination that they would determine what content in religious broadcasting was all about.

We are, indeed, representatives of the people. The FCC, despite being an independent agency, is essentially bureaucrats that interpret the law. We write the laws, so this legislation sets us back where we were very comfortably before understanding what the purview of the status was and understanding the role of the FCC.

Ultimately, the FCC cannot, should not be an arbiter of what content is in this form of broadcasting, and that is ultimately what this decision is all about.

I do not know whether my friend from Massachusetts (Mr. MARKEY) supported the original decision by the FCC or the decision to overturn it, but I do know where he stands on this issue. This legislation is absolutely critical.

Mr. MARKEY. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I have never met a group of people who so were irked by the possibility of straw men being set up, who have demonstrated such massive talent to create a straw man, and I want to salute my good friend from Ohio for his ability to create a straw man. His straw man is the FCC. Now, the FCC has totally withdrawn the order. I opposed it; the gentleman from Massachusetts (Mr. MARKEY) opposed the order. The order is no longer a reality; it is gone.

The FCC is still the skunk at the picnic. Now, I have been more critical of the FCC than anybody in the body. I am quite delighted to castigate them when they are wrong. The simple fact of the matter is, they are not a factor in the debate before us.

Now, let us look at what the amendment does. It inserts the word educational in two places in the legislation, one at page 4 and one at page 3; and the purpose of that is to see to it that the organizations which seek this are, in fact, setting it up for educational purposes and that they are, in fact, educational organizations. That is what existing law is.

Mr. Speaker, the practical effect of this is to assure that the FCC will not be compelled to hold comparative hearings, as they must do when there is a contest, to choose between two different religious organizations, or between a religious organization and a secular organization.

I think if this country wants to proceed down the path of triggering the religious wars, which have plagued this race of men, and I am not talking about in the United States, but in England, to set up a situation where government is going to have to choose between religions, between religious teachings or between applicants who might have a religious purpose, is probably the finest way to return to the unfortunate days of the religious wars.

Mr. Speaker, what happens if several religious organizations apply to the FCC to get a license to broadcast under the bill as it is drawn? Then the FCC must commence a process of comparative hearings which will then choose. Now the only thing these applicants must do under the legislation which is before us is to set out that their purpose is to teach certain kinds of religion.

Mr. Speaker, I do not know which one it would be, but that would be then the problem before the FCC, which religion? Which religious groups? Which religious tenets must they choose?

I would note that the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) generally restores existing law. It does not make possible the FCC to return to its follies which have triggered this sorry mess, but I would note for the benefit of my colleagues on the other side that it prevents the FCC from making a decision on religious grounds.

It also prevents the courts from having before them a question which is bottomed on a religion-based application by an applicant for a particular license and for a particular wave length.

Now, I think we ought to understand that this is not the kind of choice that we want to have made in this country. Government must stay out of religious matters and leave these as private judgments to the people who wish to believe and to allow them to choose that which they believe without any kind of government preference.

Now, it would appear that this is some question of religion against secularism. Nothing is further from the truth. I would remind my colleagues that there are many religious broadcasters who oppose the legislation and who support the principles of the Markey amendment, not the least of whom are the National Council of Churches of Christ in America, the Interfaith Alliance, and the Unitarian Universalist Associations of Congregations.

I would note something else. We are not without a prospering group of religious broadcasters; there are over a thousand of them. They have a regular program of mailing and discussing issues with Members of Congress.

□ 1200

I have met with my religious broadcasters; and I receive large amounts of mail, which I respond to as courteously and carefully as I know how. They are a valuable force in our community, and they are not threatened by either the status quo or the Markey amendment. The responsible ones amongst them will agree, there is no peril to them.

If you want to put government in the midst of picking religions, picking religious broadcasters, supporting religious tenets and teaching, and opposing to others, to vote for the bill as it is submitted is a fine way to accomplish that purpose.

If you want to see that government stays out and that we take care of not only religious broadcasters, as they should in a fair and proper way, but that we take care of education, because I would remind my colleagues, this is a

raid on the educational broadcasting system, the educational broadcasting networks and upon public broadcasting, I would point out if this legislation is passed, you are going to find any imaginable form of religious crank or crackpot to come forward to claim priority in terms of religious broadcasting licenses. Reverend Koresh, Jim Jones, any one of many, can come in and then force your government, your agency, the FCC and this Congress, to address who is entitled to a broadcasting license.

Mr. TAUZIN. Mr. Speaker, the Chair is pleased to yield 5 minutes to the gentleman from Mississippi (Mr. PICKERING), the author of the legislation.

Mr. PICKERING. Mr. Speaker, again I rise, this time in opposition to the Markey amendment. Let me do two or three things: One, establish what the real agenda is in this case; establish the record; and then talk a little bit from personal experience.

One, what is the agenda? What happened in the case that was decided in December, the license in Pittsburgh? After the guidelines came out, the Pittsburgh station, the religious broadcaster withdrew its application because it did not want to submit itself to the FCC guidelines.

The real agenda here is to banish, to remove, to exclude, the religious voice, the religious broadcasters, from noncommercial licenses, educational licenses. The gentleman from Massachusetts has been very clear. He sees this as public, as educational, not as religious. They have plenty of commercial space, but they should not be on the public and the educational. He does not see them as performing an educational role, a cultural role or instructional role. The agenda is clear: Banish the religious voice from the non-commercial spectrum.

If there is a public park, do not let the religious children play. Make them go to the commercial strip mall, and that is the only place we will let them play. But not in the public park. There is no place for the religious voice in our park.

Now, we are all somewhat motivated and guided by our own personal experiences. I think many on the other side look at the religious discrimination and religious bigotry and religious bias that has occurred in our history and they see the religious practices as dangerous devices.

I have to admit I come to this floor with great concern and disappointment in my heart. I have great respect for the gentleman from Massachusetts and the gentleman from Michigan, but what has taken place today on this floor is that they try to take the worst examples, the David Koreshes, the Jim Joneses, and they demonize and they isolate and they marginalize the religious voice.

They take the whole group of religious broadcasters, and there are over 800 non-commercial religious broadcasters today on radio, and there is not one case, not one case that they can cite of any extreme, hate or group that has not behaved responsibly in performing their public interest, their community service, their educational, their cultural, their instructional roles and responsibilities in the community. Not one example.

In the Supreme Court case, Peyote, the Supreme Court said there is no government obligation to protect those who incite hate or who incite violence. So if there is a David Koresh or if there is a Jim Jones who wants this license, they will not be protected under Supreme Court precedent and under the language of our legislation.

Look at the report language: ''. . . that the organization determines serves an educational, instructional, cultural or religious purpose in the station's community of license.'' The new section also mandates that such determination by the broadcaster may not be arbitrary or unreasonable. If it is a hate-based, extreme group, they will be viewed as unreasonable and arbitrary. They will not be able to maintain their license if they are those types of groups.

But by tainting those who are responsibly serving their community now, I think it is frankly wrong, and it is doing exactly what those on the other side hate. They are demonizing, they are marginalizing, they are isolating, which then leads to discrimination.

The religious voice in the public square or in the public park is good for our country. It has been that way from our beginning, it is that way today, and we simply want to protect and preserve that and prohibit the FCC from coming in and regulating and controlling and stifling religious expression.

The gentleman from Michigan and the gentlewoman from California say that the Markey amendment will simply return us to the past precedent, the past practice. That is not the case. It will return us to the FCC guidelines issued in December, which they both said was wrong, which led to a regulatory regime of a speech police at the FCC, determining what is and what is not acceptable or unacceptable religious speech, what is educational in their eyes.

I urge all of my colleagues, let us not divide, let us not demonize; let us protect our fundamental history and legacy of religious liberty. There are those that are now performing vital roles in their communities. Let us not prevent them from doing so in the future.

Mr. MARKEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, again, let me come back to clarify once again. Under existing law, religious broadcasters are able to operate public television stations in the United States. However, they do so accepting the responsibility that they must serve primarily the educational needs of the entire community, although they are free to also broadcast their own religious beliefs. But, primarily under existing law, they must serve the educational needs of the entire community.

Under the bill being proposed here today, that very same religion will now be freed up to broadcast exclusively their own religious beliefs, 24 hours a day, 7 days a week. Now, that is a big change, a big change, in the history of public broadcasting in our country.

No one has any objection to the existing religious broadcasters on noncommercial educational broadcasting stations. No one has any objection to the existing standards continuing to be used in order to define whether or not they are serving the community well. But we do object to the standard which the majority is seeking to propound here today, which, in my opinion, will be a violation, an encroachment, on the establishment clause of the United States Constitution, of the first amendment, which creates a very strong line of demarcation between the state and religion.

Here a public broadcasting station will be used by an individual religion to propound primarily religious messages all day long on a public broadcasting station, and I think at the end of the day that is wrong and it is something which should be rejected, as the Markey amendment seeks to correct it on the House floor here today.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute.

Let me point out that the problem is that the FCC got into doing that. It got into trying to say which religious content was educational enough to please the gentleman from Massachusetts (Mr. MARKEY) or anyone else in this country. That is what was wrong. It basically said a church service was not educational enough, a sermon perhaps by the Reverend Jessie Jackson on the Ten Commandments would not be educational enough for these commissioners, and they were going to decide when these religious broadcasters were or were not meeting the standards of the FCC, as to whether or not their religious beliefs, sermons, and services were educational enough. How crazy. Thank God they backed down from it. We need to make sure they never go back to it. That is why the Markey amendment needs to be defeated.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, what we are talking about with the Markey amendment is the FCC deciding what the educational religious intent of television broadcasting is. So I pose these questions for the gentleman from Massachusetts (Mr. MARKEY).

Will the Christmas Mass at the Vatican be able to be broadcast under his

amendment? Obviously it is religious. Under the gentleman's amendment, you would no longer see the Christmas Mass at the Vatican on non-commercial TV.

What about the performance of the Messiah at the Washington National Cathedral here? Under the gentleman's amendment, no longer shall we see this.

The National Day of Prayer here in Congress, which is televised, many of the non-commercial religious stations broadcast that. No longer.

Opening prayer of House and Senate. You could stretch this on and on and on and on. Teaching the Ten Commandments. Under the Markey amendment, all of this would be gone, and that is why two-thirds of the Democrats who are on the commission voted to overturn their own ruling, because they realized what they did was wrong.

What we have today is the FCC creating a category of politically correct, government-approved religious speech. Let me repeat that. The Markey amendment is creating a category of politically correct, government-approved religious speech.

Interesting, as one commissioner said, ''If you believe what you are saying about religion, you cannot say it on the non-commercial television band; but if you don't believe what you are saying, then you can.'' That is the paradox that the Markey amendment is providing here.

As I mentioned earlier, I think it is unconstitutional to let the FCC have this amount of power. Many of us think the FCC as an agency could be done away with. This whole idea of educational TV is being replaced through the Internet, through broadband, through wireless, through the cable. You get 250 channels through direct television. And here we are coming down on religious broadcasting that has been around since the start, the very start, of television broadcasting. We are totally changing this with this amendment. It has far-reaching implications.

So I ask my colleagues, do they want to do away with religious broadcasting completely and strip all religious broadcasting from television? Then they should vote for the Markey amendment. If they believe that they want to do away with the broadcasting of the Christmas Mass at the Vatican, vote for the Markey amendment. If they believe that the performance of the Messiah at the Washington Cathedral is wrong and they do not want to see it on non-commercial television, then they should vote for his amendment. In fact, simply the instructions for proselytizing or talking about religion on television will become history under the Markey amendment.

So I would close, Mr. Speaker, with these comments: The Markey amendment would create an educational religious purpose and play into the hands of those at the FCC that want to have the say over content of religious programming. Instead of providing clarity, which the Pickering amendment does, and protection from a hyperactive FCC, and I think Members on both sides of the aisle would agree that the FCC is hyperactive, instead of that, in reining in their power, we are giving them more power, and we are creating confusion for religious broadcasters and threatening their very existence.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

□ 1215

Mr. Speaker, just so we can once again clarify, under existing law, the way we have operated for the last 50 years in this country, Christmas mass can be on a public television station. Handel's Messiah can be on a public television station, as long as the operators of that public television station are serving primarily the educational needs of the community. However, under this amendment, Christmas mass can be on 24 hours a day, 7 days a week, 365 days a year, if that religion decides that that is the only thing that they want to put on. They do not have to any longer serve any of the educational needs of the community at all.

Under existing law, Christmas mass is on; Handel's Messiah is on. The educational needs are served. Under their amendment, their bill, all day long, religion 24 hours a day, one particular religion operating the public broadcasting station in town with no requirement to serve the educational needs of the community in any other way, shape or form. The children in the community, the local institutions in the community, and no one else.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute to correct the record.

Again, there are over 1,000 religious broadcasters who do religious broadcasting all day long, today. They do not do educational programming and also religious programming; they do religious programming all day long. Never in the history of that broadcasting has any government bureaucrat ever had the audacity to come in and decide which of that religious broadcasting was educational enough for their purposes, whether the mass was educational enough, a sermon was.

But I will tell my colleagues what this commission tried to do in December. They tried to say that if 50 percent of it did not meet their standards, then they are off the air. This bill will prevent that ever happening again. The Markey amendment gives them a back door to do exactly what they did in December, to come in and say, we decide that 50 percent of it needs to be religious broadcasting that we think is educational enough; and if it is not, they are off the air. That is why it needs to be defeated.

Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. Cox).

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time.

We are all agreed here, I think, having listened to the debate, we are all agreed on both sides of the aisle and on all sides of this question that the Government should not regulate the content of speech of noncommercial broadcasters and that the Government should not discriminate against some religious speech in favor of other religious speech. Both sides of this argument are claiming that high ground and saying, vote for us and we will vindicate those principles.

The legislation that is before us says, and I quote, ''the Commission,'' referring to the Federal Communications Commission, ''should not engage in regulating the content of speech broadcasted by noncommercial educational stations.'' That is the principle of this bill, to keep the Government out of the business of regulating speech.

Now, the Markey amendment does something very straightforward, at least mechanically. It inserts a word, one word, the word ''educational,'' as an adjectival modifier in front of another word, ''religious,'' so that we have an adjective on an adjective, a modifier on a modifier, and we now have something called ''education religious programming.'' The term ''educational religious programming'' is nowhere defined in statute. It is nowhere defined in the rules or the regulations of the Federal Communications Commission. I do not know what it is, and the author of the amendment does not know what ''educational religious programming'' is.

But let us do what a judge or a court would have to do faced with this language. A judge or a court would have to say, we have an adjective in front of ''religious.'' That means that we have something called ''educational religious programming,'' and presumptively something that is not ''educational religious programming.'' Two categories we have now created, this kind of religious programming and that kind of religious programming. Who decides which is which? Obviously, because of the way the statute is written and the way the gentleman has written his amendment, the Federal Communications Commission will decide which is educational religious programming on the one hand and which is the other category, presumably non-educational religious programming.

What does the bill do without his amendment? The bill, without his amendment, simply creates a presumption. It says, and I quote, ''Religious programming contributes to serving the educational and cultural needs of the public and should be treated by the Commission on a par with other educational and cultural programming.''

So the FCC has no decision to make. The FCC does not decide which religious programming is good and which religious programming is bad; it does not run afoul of the establishment clause of the first amendment to the Constitution as it would under the Markey amendment.

This new category that the Markey amendment would create of educational religious programming, which as I say, I have never seen, does not appear in statute, does not appear anywhere in the regulations, would create a lot of confusion. It would be a legal unicorn. Nobody having seen it before would not know quite what to make of it, or maybe it would be more like the Loch Ness Monster of the United States Code. We would see a vague apparition, but we would not quite know what to make of it. One court might decide one way; another court might decide another way.

I think that the colloquy between the gentleman from Florida and the gentleman from Massachusetts about the broadcasting of a church service makes the vagueness, the hopeless vagueness of this amendment's wording very obvious. Because the author of the amendment does not really know, at least I listened to his remarks and I inferred this much, does not really know whether or not under his standard, the broadcast of a church service would be acceptable or not. We ought not to put the FCC into that kind of legal muddle.

Remember the reason that we are here is that just 6 months ago the FCC said this, quote: ''Church services generally will not qualify as general educational programming under our rules.'' They tried to change the status quo. The Democrats said that was stupid, the Republicans said that was stupid, and so the FCC quickly backed down.

Mr. Speaker, that leaves but one question. If we reject the Markey amendment and we have this base text, why do we need this bill to make sure the FCC does not do again what they did in December? After all, they have backed down and that argument has been forcefully made by the gentleman from Michigan.

The answer is that the commissioners have let it be known, certainly one of them, that they would go forward in this course of action again, given the opportunity. So what we are saying in this legislation is the following: the Federal Communications Commission shall not establish, expand or otherwise modify requirements relating to the service obligations of noncommercial educational radio or TV stations, except by means of agency rulemaking conducted in accordance with the law.

Because the FCC not only did something that the Democrats thought was stupid and the Republicans agreed was stupid, a word used several times to describe their action during the course of this debate, but they did so without any, without any public notice or input, or any warning to the broadcasters whose licenses were at stake. The policy change was announced as part of an adjudicatory proceeding relating to the transfer, as we have discussed here earlier in this debate, of a Pittsburgh TV station. By acting in this manner, the Federal Communications Commission circumvented the Administrative Procedure Act which requires public review and comment before any major policy change is adopted.

Mr. Speaker, I urge my colleagues to vote in favor of this legislation so that we will have a transparent process, so that we will not have bureaucrats run amok, so that we will not find ourselves 6 months from now on the floor of this House complaining that the FCC action directed towards broadcasters was stupid. I urge that we reject the Markey amendment so that we do not render this legislation unconstitutional and hopelessly vague, so that we keep the Government out of the business of regulating religious speech.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the underlying bill allows, allows the Federal Communications Commission to determine that a broadcaster's programming, which is primarily religious, is arbitrary or unreasonable. In other words, the FCC, under the bill as written, can step in and make judgments on religion. We are not getting away from the FCC making content decisions. We are simply letting the FCC into judging religious programming and whether it is sufficiently religious. We should not allow the FCC to become the Faith Content Commission.

The gentleman from California referenced the bill's findings, and I am sure Judge Scalia will appreciate the findings. However, the actual legislative charge to the FCC goes much further in the legislation. Let me read. It says under Service Conditions on Noncommercial Educational and Public Broadcast Stations: ''A nonprofit organization shall be eligible to hold a noncommercial educational radio or television license if the station is used primarily to broadcast material that the organization determines serves a religious purpose in the station's community of license, unless that determination is arbitrary or unreasonable.''

There is no requirement that the broadcaster has to have an educational content; there is no requirement that it has to have served the needs of the entire community. The FCC is put in a position where, if two particular religions want one station, that they have to determine, the Federal Communications Commission, the Faith Content Commission, has to determine which of the two religions can better serve a particular community without even judging whether or not either religion is going to serve the educational needs of the community. Only which one is sufficiently more religious.

So in fact, while the legislation's ostensible purpose is to remove the Federal Communications Commission from content-based decisions, in fact, what the legislation is about to do is to open wide the gates for religions all across America to begin to lay claim to individual educational public broadcasting stations all across America, and to argue before the Federal Communications Commission that their religion is more religious than another religion in taking over those public broadcasting stations. And, as part of the test, the Federal Communications Commission will not be able to look at whether or not the religion serves any educational need whatsoever in the community.

Now, that may be the goal, because I know that there is a latent hostility on the part of many Members on the other side towards the public broadcasting system. I understand that. They have never liked the public broadcasting system; they have never enjoyed at all their particular mission; they do not like the fact that they, in fact, do educate the entire community. I understand how many Members on the other side do not like the public broadcasting system. But we are going to have to set up an aquarium down here in the well of the House to deal with all of the red herrings that have been spread out here on the floor.

What, in fact, the majority is trying to do here today is to take public broadcasting stations and turn them into religious stations, plain and simple. That is the goal. So if you have a public television station back in your hometown and it has historically served the educational needs of the community, under this new language, they will no longer have to do so, and the FCC will have to intervene in order to determine which religion best serves the religious needs of that religion, of that community, but will be able to go no further.

So I say to my colleagues, if ever there was an unconstitutional piece of legislation out here on the floor, this is it. If ever there was a piece of legislation that is going to be struck down for violation of the establishment clause or the separation between church and State, this is it.

□ 1230

But for those who hate the Public Broadcasting System, this is just a natural further extension of their attempts to undermine its historic and thus far successful mission in every community in the United States. It will result ultimately, without question, in a transfer of stations over to individual religions with no educational goals whatsoever except for

the proselytizing of their own individual sect.

That should be allowed. They should be able to purchase commercial TV stations. In fact, let us be blunt, under the existing clause, as long as the religion does serve primarily the educational needs of a community they can talk about their own religion on that public broadcasting station, but they cannot do so to the exclusion of all other educational content, of all other service to the community, of all other service to children within that community.

Mr. Speaker, this amendment which I am propounding is one which very simply ensures that the word ''educational'' is inserted before the word ''religious,'' that there is an educational component to any of this religious broadcasting which is going to be primarily broadcast on these public television stations.

If we do not do that, there is going to be a fundamental change in public broadcasting in our country. I know it is the goal of the majority, but it should not be the goal either of the Members of this House or of the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first let my friend, the gentleman from Massachusetts, know that I do not particularly like characterizing motives. I do not like it when we do this on the floor. I do not like it when my side does it or the gentleman's side does it.

However, if the gentleman wants to ask about motives, let me explain them. I do not think the gentleman can characterize the motives of people regarding public broadcasting. Many like public broadcasting but do not like the way it is being funded.

Many of us think there is enough diversity in television that we do not necessarily have to use tax dollars to fund a separate category of public broadcasting.

There are many who were offended when public broadcasting shared its donor list only with Democratic organizations. Members might look at that and see some real cause for anger and concern on this side. When a public institution funded with taxpayer dollars decides to help one political party to the exclusion of the other, I guess it is going to cause a little anger and upset on this side. It well should have.

But I have not accused nor would I question the motives of the gentleman's side in offering this amendment. I have not said the gentleman was against religious programming. I am not suggesting that the administration is out to shut down religious programming, or the FCC tried to shut down religious voices on noncommercial stations. There were some people saying that. I never said that.

What I have said, what I will continue to say, is that what the FCC did in December was stupid. It tried to inject government decisions into what was proper religious programming on a religious broadcast station. We ought to put a stop to that. It ought to be the decisions of the religious programmers themselves to decide what religious programming they are going to put on television and radio stations dedicated to religious programming.

Mr. Speaker, the FCC did something very different in December. Up until December, it was always the presumption that religious programming was presumed to be educational. I happen to think it is. The FCC thought it was for years and years, never questioned it.

Then in December it decided it was going to set up two categories of religious programming: educational religious programming and I guess noneducational religious programming. If there was not enough of one or too much of the other, they would shut them down.

What an offensive, arbitrary decision by the FCC, which is supposed to be carrying out the law, not making up their own law, not deciding as a matter of law what was good religious speech on television and radio and what was unacceptable. That is wrong. That is what is wrong. That is what is unconstitutional.

This bill will end it. It will not only say to the FCC, you cannot do it in the dead of night without public input and proceedings; it will say, you cannot ever do it again.

The gentleman's amendment will give them the right to do it again. The gentleman's amendment says, exactly as the FCC wanted to say, that there are two categories of religious broadcasting, one educational religious, and then something else. They do not define it, do not know what it is, and guess who defines it under the gentleman's amendment? The same FCC that did the stupid thing they did in December.

That is the reason the gentleman's amendment needs to be defeated; not because the gentleman had bad motives, not because our side has better or weaker motives than the gentleman, but because the amendment is wrong. It gives the FCC the power to do the stupid thing they tried to do in December. That amendment needs to be defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this issue is historic in its nature. Many on the other side contend that they support the historic mission of the public broadcasting stations across the United States. Yet, in their amendment, their bill, they are going to remove the educational requirement for public broadcasting stations across the country, remove it.

No longer will there be a mandate that as part of the stewardship, part of the responsibility of controlling a public broadcasting station, that those individuals must serve the educational needs of the entire community. They are removing that. It is without question the core principle, the constitution that underlies the foundation of the public broadcasting stations in our country.

That is why the national PTA opposes their bill and supports the Markey amendment, the national PTA, the teachers, and the parents; and the National Education Association as well, and the Unitarian Universalist Association of Congregations, the Interfaith Alliance, the National Council of Churches of Christ. All of them support the Markey amendment and oppose the underlying bill.

The reason is that they have removed the educational requirement from educational TV. They are going to allow for religion to be the only thing which is on a public broadcasting station all day long, regardless of whether or not it has any educational content whatsoever.

Even though we concede that under existing law, existing law, that religious organizations are able to run and do run very well public broadcasting stations across this country, and they include a religious component to the maintenance of those TV stations, and that is fine. That should continue. Whether it be Christmas mass or Handel's Messiah, it should stay on public broadcasting TV stations. We agree with that.

Where we disagree and where the Markey amendment is so important is that we must ensure that the religious component does not replace the educational role as the primary responsibility of public broadcasting stations in this country.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I do not think anybody has really given on this side much thought to what this legislation does. Let us take a situation where a religious broadcaster or person who would be a religious broadcaster puts in an application and a group of educational broadcasters or would-be educational broadcasters put in an application. Then we have this occurring, we have a comparative proceeding before the FCC at which the FCC has to choose between the educational purpose for that station and essentially a religious purpose, with literally no real review, with no criteria whatsoever.

I challenge my friends on this side to come up with any criteria that a religious or would-be religious broadcaster

has to present to the FCC. So we have two situations, probably a priority given to the religious broadcasters, but certainly, in any event, a choice has to be made then between the FCC having to decide whether they are going to have a bona fide religious broadcaster broadcasting on that particular wavelength or some religious group broadcasting nothing, nothing, there is no requirement for anything but religion on that particular wavelength.

We are setting up a most dangerous situation here. I would simply point out to my friend, the gentleman from Louisiana, he is going to bear the guilt of having done this to broadcasting, for having stripped the American children of opportunities to have real educational broadcasting.

Mr. MARKEY. Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, to use a ploy to say he (Mr. TAUZIN) bears a guilt is incorrect. Remember, two-thirds of the Democrats and 100 percent of the Republicans already voted to overturn the decision. So if the gentleman wants to point guilt, then he should point it to the gentleman's side of the aisle—namely, Democrats where two-thirds of the Democrats of the FCC Commission supported what we are doing today.

I point out in closing to the gentleman from Massachusetts (Mr. MARKEY), if the Christmas mass is broadcast at Fort Pierce, Florida, at midnight on Christmas Eve, and then suddenly that station decides, it wants to also broadcast it on New Year's Eve, what happens? Suddenly the FCC is going to call them up and say, no, and using the gentleman's words, the FCC would say there is primarily not enough educational TV so we are going to have to stop you from broadcasting on New Year's Eve.

Vote against the Markey amendment.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT), a prime sponsor and supporter of the legislation.

Mr. LARGENT. I thank the gentleman for yielding time to me, Mr. Speaker.

I am afraid that some people over at the FCC have been holding their cell phones too close to their brains, because this winter they have come up with a decision and decided that they know what is best for the American people, that they understand the difference between what is religious and what is educational, so they have issued an edict.

They said, Hi, I am from the FCC. We would like to offer you additional guidance in determining what is religious versus what is educational, and if it is not religious, then it does not count as educational; thus, no license. The FCC has really done this. They have made a value statement by saying that religious broadcasting is not educational.

It was an unprecedented move by the FCC to become the arbiter determining what constitutes religion and what does not. Do Members know what? The American people have rejected the decision and the help and the additional guidance by the FCC. Today this House will reinforce the view of the American people by rejecting the FCC's notion that they know what is best.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill that is on the floor today takes the word ''education'' out of public broadcasting. The bill that is on the floor here today takes the word ''education'' out of nonprofit educational television stations. The bill that is on the floor here today changes 50 years of American history with regard to the public's relationship with public broadcasting stations and removes the word ''education'' as a requirement, as a mandate, with regard to how the managers of a particular public broadcasting station have to serve an individual community.

If this bill passes, never again will there ever be a test applied by the Federal Communications Commission that ensures that the educational needs of the community are being served by a public broadcasting station. Instead, they insert the word ''religious'' without any definition, without any restrictions in terms of how many hours a day, how many weeks out of the year, how many years in a row; the totality, the entirety of the broadcasting can be religious on a public broadcasting station.

Historically, religions have been able to run public broadcasting stations, but using the guidance that they must be primarily educational. That is what the Markey amendment does. It requires that the educational goals that historically have been the core of public broadcasting stations are maintained, while still allowing for there to be a religious component, but within the larger context of educating the entire community and not just a subpart of that community.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me read the bill without the Markey amendment. It says that these licenses are reserved to people who prove ''that their organization serves an educational, instructional, cultural, or religious purpose.''

We have not taken ''educational'' out. What the gentleman from Massachusetts (Mr. MARKEY) wants to do is take ''religious'' out. He wants to insert ''educational religious.'' The word ''educational'' is still in. ''Educational, cultural, instructional, or religious'' is what the bill now says.

□ 1245

Proof it is just not so. What we are doing in the bill, what the Markey amendment would undo, is to prevent the Commission from qualifying which religious broadcasting is permitted.

I just attended the D-Day Museum dedication in New Orleans where we celebrate the greatest generation, what they fought for in World War II. They were fighting to preserve our Constitution and our freedoms. Our Constitution says the government needs to stay out of the business of religion in our country. Yet, this FCC tried to get into it. This bill keeps them out. The Markey amendment lets government get back in.

We need to defeat the Markey amendment and adopt the original bill.

Mr. BLILEY. Mr. Speaker, I rise in opposition to the substitute amendment offered by the gentleman from Massachusetts.

The substitute amendment by Mr. MARKEY will effectively gut the legislation before us.

Mr. Speaker, make no mistake, the goal of the substitute amendment is to require all public broadcasters to serve an ''educational'' purpose. It even creates a new category of programming serving an ''educational religious purposes.'' This sounds acceptable on its face as education is a very high priority and I commend the public broadcasters that focus on education.

However, a good number of public broadcasters use public television stations to provide religious programming to their communities. And the FCC tried quite unsuccessfully in December to restrict what type of programming could be done. They tried to put a clamp on programming that they viewed as not having an educational message, like church services.

Some people within the FCC want to be in the content regulation business. They want to be able to dictate to religious broadcasters what religious programming is acceptable and that which is not.

Picture, if you will, several of the over 2000 bureaucrats at the FCC watching and listening to religious programming and deciding which parts serve an ''educational religious purpose.'' To me, this picture is frightening and unacceptable.

This amendment would serve only to continue the confusion as to who is eligible for noncommercial licenses.

I do not want the FCC involved in content regulation of public television stations, especially those that provide a religious message and content.

The substitute amendment is clearly harmful to the original intent of the H.R. 4201 and would make the bill meaningless.

This is why I must respectfully oppose Mr. MARKEY's amendment and urge all Members to do the same.

The SPEAKER pro tempore (Mr. SHAW). All time has expired.

Pursuant to House Resolution 527, the previous question is ordered on the bill and on the amendment by the gentleman from Massachusetts (Mr. MARKEY).

The question is on the amendment in the nature of a substitute offered by

the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MARKEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 174, nays 250, not voting 10, as follows:

[Roll No. 294]

YEAS—174

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Stabenow
Stark
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NAYS—250

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Campbell
Cook
Emerson
Ewing
McCollum
McIntosh
Roybal-Allard
Spratt
Vento
Weldon (PA)

□ 1307

Messrs. CUNNINGHAM, KUCINICH, BOSWELL, COSTELLO, and REYES changed their vote from ''yea'' to ''nay.''

Mr. DAVIS of Florida changed his vote from ''nay'' to ''yea.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SHAW). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAUZIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 264, noes 259, not voting 11, as follows:

[Roll No. 295]

AYES—264

Aderholt
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Etheridge
Everett
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, Sam
Jones (NC)
Jones (OH)
Kasich
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner

| | | |
|---|---|---|
| Sessions | Strickland | Vitter |
| Shadegg | Stump | Walden |
| Shaw | Stupak | Walsh |
| Shays | Sununu | Wamp |
| Sherwood | Sweeney | Waters |
| Shimkus | Talent | Watkins |
| Shows | Tancredo | Watts (OK) |
| Shuster | Tanner | Weldon (FL) |
| Simpson | Tauzin | Weldon (PA) |
| Sisisky | Taylor (MS) | Weller |
| Skeen | Taylor (NC) | Weygand |
| Skelton | Terry | Whitfield |
| Smith (MI) | Thomas | Wicker |
| Smith (NJ) | Thornberry | Wilson |
| Smith (TX) | Thune | Wise |
| Souder | Tiahrt | Wolf |
| Spence | Toomey | Young (AK) |
| Spratt | Traficant | Young (FL) |
| Stearns | Turner | |
| Stenholm | Upton | |

NOES—159

| | | |
|---|---|---|
| Abercrombie | Gonzalez | Morella |
| Ackerman | Gutierrez | Nadler |
| Allen | Hastings (FL) | Neal |
| Andrews | Hill (IN) | Oberstar |
| Baird | Hilliard | Obey |
| Baldwin | Hinchey | Olver |
| Barrett (WI) | Hinojosa | Owens |
| Becerra | Hoeffel | Pallone |
| Bentsen | Holt | Pascrell |
| Berkley | Hooley | Pastor |
| Berman | Horn | Payne |
| Blagojevich | Hoyer | Pelosi |
| Blumenauer | Inslee | Pickett |
| Boehlert | Jackson (IL) | Pomeroy |
| Bonior | Jefferson | Porter |
| Borski | Johnson (CT) | Price (NC) |
| Boucher | Johnson, E. B. | Rangel |
| Brady (PA) | Kanjorski | Rivers |
| Brown (FL) | Kaptur | Rodriguez |
| Brown (OH) | Kennedy | Roemer |
| Capps | Kilpatrick | Rothman |
| Capuano | Kind (WI) | Rush |
| Cardin | Kleczka | Sabo |
| Carson | Klink | Sanchez |
| Clay | LaFalce | Sanders |
| Clayton | Lantos | Sawyer |
| Clyburn | Larson | Schakowsky |
| Coyne | Lee | Scott |
| Crowley | Levin | Serrano |
| Cummings | Lewis (GA) | Sherman |
| Danner | Lofgren | Slaughter |
| Davis (IL) | Lowey | Smith (WA) |
| DeFazio | Luther | Snyder |
| DeGette | Maloney (CT) | Stabenow |
| Delahunt | Maloney (NY) | Stark |
| DeLauro | Markey | Tauscher |
| Deutsch | Matsui | Thompson (CA) |
| Dicks | McCarthy (MO) | Thompson (MS) |
| Dingell | McCarthy (NY) | Thurman |
| Dixon | McDermott | Tierney |
| Doggett | McGovern | Towns |
| Dooley | McKinney | Udall (CO) |
| Edwards | McNulty | Udall (NM) |
| Engel | Meehan | Velazquez |
| Eshoo | Meek (FL) | Visclosky |
| Evans | Meeks (NY) | Watt (NC) |
| Farr | Menendez | Waxman |
| Fattah | Millender-McDonald | Weiner |
| Filner | Miller, George | Wexler |
| Ford | Minge | Woolsey |
| Frank (MA) | Mink | Wu |
| Gejdenson | Moakley | Wynn |
| Gephardt | Moran (VA) | |
| Gilman | | |

NOT VOTING—11

| | | |
|---|---|---|
| Campbell | Emerson | McIntosh |
| Conyers | Ewing | Roybal-Allard |
| Cook | Herger | Vento |
| Cunningham | McCollum | |

□ 1327

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4201.

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentleman from Florida?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

□ 1330

## DEBT REDUCTION RECONCILIATION ACT OF 2000

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4601) to provide for reconciliation pursuant to section 213(c) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt, as amended.

The Clerk read as follows:

H.R. 4601

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Debt Reduction Reconciliation Act of 2000''.*

***SEC. 2. FINDINGS AND PURPOSE.***

*(a) FINDINGS.—The Congress finds that—*

*(1) fiscal discipline, resulting from the Balanced Budget Act of 1997, and strong economic growth have ended decades of deficit spending and have produced budget surpluses without using the social security surplus;*

*(2) fiscal pressures will mount in the future as the aging of the population increases budget obligations;*

*(3) until Congress and the President agree to legislation that strengthens social security, the social security surplus should be used to reduce the debt held by the public;*

*(4) strengthening the Government's fiscal position through public debt reduction increases national savings, promotes economic growth, reduces interest costs, and is a constructive way to prepare for the Government's future budget obligations; and*

*(5) it is fiscally responsible and in the long-term national economic interest to use an additional portion of the nonsocial security surplus to reduce the debt held by the public.*

*(b) PURPOSE.—It is the purpose of this Act to—*

*(1) reduce the debt held by the public with the goal of eliminating this debt by 2013; and*

*(2) decrease the statutory limit on the public debt.*

***SEC. 3. ESTABLISHMENT OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.***

*(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:*

***''$3114. Public debt reduction payment account***

*''(a) There is established in the Treasury of the United States an account to be known as the Public Debt Reduction Payment Account (hereinafter in this section referred to as the 'account').*

*''(b) The Secretary of the Treasury shall use amounts in the account to pay at maturity, or to redeem or buy before maturity, any obligation of the Government held by the public and included in the public debt. Any obligation which is paid, redeemed, or bought with amounts from the account shall be canceled and retired and may not be reissued. Amounts deposited in the account are appropriated and may only be expended to carry out this section.*

*''(c) If the Congressional Budget Office estimates an on-budget surplus for fiscal year 2000 in the report submitted pursuant to section 202(e)(2) of the Congressional Budget Act of 1974 in excess of the amount of the surplus set forth for that fiscal year in section 101(4) of the concurrent resolution on the budget for fiscal year 2001 (House Concurrent Resolution 290, 106th Congress), then there is hereby appropriated into the account on the later of the date of enactment of this Act or the date upon which the Congressional Budget Office submits such report, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, an amount equal to that excess. The funds appropriated to this account shall remain available until expended.*

*''(d) The appropriation made under subsection (c) shall not be considered direct spending for purposes of section 252 of Balanced Budget and Emergency Deficit Control Act of 1985.*

*''(e) Establishment of and appropriations to the account shall not affect trust fund transfers that may be authorized under any other provision of law.*

*''(f) The Secretary of the Treasury and the Director of the Office of Management and Budget shall each take such actions as may be necessary to promptly carry out this section in accordance with sound debt management policies.*

*''(g) Reducing the debt pursuant to this section shall not interfere with the debt management policies or goals of the Secretary of the Treasury.''.*

*(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3113 the following:*

*''3114. Public debt reduction payment account.''.*

***SEC. 4. REDUCTION OF STATUTORY LIMIT ON THE PUBLIC DEBT.***

*Section 3101(b) of title 31, United States Code, is amended by inserting ''minus the amount appropriated into the Public Debt Reduction Payment Account pursuant to section 3114(c)'' after ''$5,950,000,000,000''.*

***SEC. 5. OFF-BUDGET STATUS OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.***

*Notwithstanding any other provision of law, the receipts and disbursements of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—*

*(1) the budget of the United States Government as submitted by the President,*

*(2) the congressional budget, or*

*(3) the Balanced Budget and Emergency Deficit Control Act of 1985.*

***SEC. 6. REMOVING PUBLIC DEBT REDUCTION PAYMENT ACCOUNT FROM BUDGET PRONOUNCEMENTS.***

*(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code.*

*(b) SEPARATE PUBLIC DEBT REDUCTION PAYMENT ACCOUNT BUDGET DOCUMENTS.—The excluded outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall be submitted in separate budget documents.*

***SEC. 7. REPORTS TO CONGRESS.***

*(a) REPORTS OF THE SECRETARY OF THE TREASURY.—(1) Within 30 days after the appropriation is deposited into the Public Debt Reduction Payment Account under section 3114 of title 31, United States Code, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate confirming that such account has been established and the amount and date of such deposit. Such report shall also include a description of the Secretary's plan for using such money to reduce debt held by the public.*

*(2) Not later than October 31, 2000, and October 31, 2001, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth the amount of money deposited into the Public Debt Reduction Payment Account, the amount of debt held by the public that was reduced, and a description of the actual debt instruments that were redeemed with such money.*

*(b) REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than November 15, 2001, the Comptroller General of the United States shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate verifying all of the information set forth in the reports submitted under subsection (a).*

The SPEAKER pro tempore (Mr. SHAW). Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4601.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very important moment for the House of Representatives because with this bill we will be accelerating our effort to pay down the debt to give relief, badly needed relief to future generations. I am hopeful that in the end there will be a strong bipartisan vote for what is truly historic, and, that is, to reduce for the first time since 1917 the statutory debt limit.

In the past, the debt simply was an afterthought. While we were deficit spending, we spent and spent and frequently raised taxes, sometimes cut taxes. What was left over at the end of the year in deficit increased the debt, and we simply rubber-stamped that. Today in a time of surplus, we are doing the same thing. Everything that is left over at the end of the year in the surplus pays down the debt automatically. The problem is that once you satiate the spending opportunities during the year, what is left at the end of the year is much, much smaller to pay down the debt. So we are taking a step here to lock up the increase in surplus over and above what we anticipated when we passed our budget earlier in the year, lock that up in a special account in the Treasury which can be used only to pay down the debt. That is why we can reduce the debt ceiling.

The Debt Reduction Reconciliation Act of 2000 has been designed by the gentleman from Kentucky (Mr. FLETCHER), the gentleman from Ohio (Mr. KASICH) and myself, and it will put us on a path to pay off the debt by 2013 or sooner.

I have already explained what the bill does and how it works. It applies only, however, to this year's extra surplus, the year 2000. But once it is put in place, it will be a model for future years. That is why the Concord Coalition, one of the best known bipartisan groups that fights for balanced budgets and fiscal discipline, supports this bill. They said in a letter that this bill is fiscally responsible. It recognizes the benefit of using today's prosperity to improve the Nation's long-term fiscal health.

Mr. Speaker, I ask that the full letter be inserted in the RECORD.

THE CONCORD COALITION,
*Washington, DC, June 8, 2000.*

Chairman BILL ARCHER,
*House Ways and Means Committee, Longworth House Office Building, Washington, DC.*

DEAR CHAIRMAN ARCHER: The Concord Coalition is pleased to support ''The Debt Reduction and Reconciliation Act of 2000,'' which seeks to ensure that any increase in the projected FY 2000 on-budget surplus will be used to pay down the publicly held debt.

The Concord Coalition has long urged both Congress and the Administration to resist using projected surpluses as a treasure trove of money to be spent on any number of spending or tax cut proposals. ''The Debt Reduction and Reconciliation Act of 2000'' is a fiscally responsible measure that recognizes the benefit of using today's prosperity to improve the nation's long term fiscal health.

We are heartened by the improvement in the federal government's short-term fiscal position in recent years and encouraged by the prospect of continued projected surpluses. Members of both parties deserve a share of the credit for this dramatic turn around and the resulting projected surpluses. The Concord Coalition fully supports the commitment in this bill to use a portion of these surpluses for debt reduction. We further hope that Congress and the Administration will muster the political will to make good on this commitment.

At the same time, it is important to remember that our work is far from complete. Reducing the publicly held debt is a positive step, but is one of many steps required to bring about fiscal policies that are sustainable over the long-term. Welcome as it is, today's prosperity has not turned back the coming age wave or the growth in age-related entitlement programs such as Social Security, Medicare, and Medicaid. Left unchecked, the inevitable growth in spending on these programs will put pressure on discretionary spending, revenues, and public debt.

That said, in the absence of substantive Social Security and Medicare reform, the next best thing we can do to prepare for the future is to devote every penny of the surpluses that come our way to reducing the publicly held debt. Debt reduction will enhance net national savings, thereby freeing up resources for investments leading to greater productivity, which will lead to stronger economic growth in the future. A larger economy will, in turn, help ease the burden on today's children who, when they become working age taxpayers, will face the daunting challenge of financing the retirement and health care costs of a dramatically older population.

The Concord Coalition commends you for your effort to reduce the publicly held debt. We are pleased to support your efforts and look forward to working with you to take future steps to improve our nation's long term fiscal health.

Sincerely,

ROBERT L. BIXBY,
*Executive Director.*

Mr. Speaker, when we balanced the budget and the budget surplus became a reality, Alan Greenspan told the Committee on Ways and Means that his first preference would be to pay down the debt. He also said the worst alternative would be more government spending. Today we are following his wise counsel. Paying down the debt is good for our country, good for working families, and good for the economy.

I strongly urge a bipartisan vote to support this bill.

Mr. Speaker, I yield the balance of my time to the gentleman from Iowa (Mr. NUSSLE) so that he can further yield it.

The SPEAKER pro tempore. Without objection, the gentleman from Iowa will control the balance of the time.

There was no objection.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

I say this in no disrespect to any of my colleagues on the floor of the House of Representatives, and certainly I intend to support this legislation; but I have to say that I think we are going to spend perhaps up to 40 minutes debating something that is not particularly relevant and it is probably somewhat a waste of our time.

The reality is that any surplus over and above the current surplus that we

have, and most people predict that for this coming fiscal year it will be about $15 billion, will go into debt reduction in any event. The only thing that could change it is if the majority party decides not to show the kind of fiscal discipline that I think the rhetoric kind of indicates they intend to. And so we will be doing this, we are all probably going to vote for it, but again as I said this is more of a political act than it is an act of substance.

Under current law, if at the end of the fiscal year we do not spend any of the additional surplus that we have, it will go automatically for debt reduction. Under this bill, it is appropriated into a fund set up by the Treasury Department that will go for debt reduction. And so it will not hurt, but it does not really help either. If for some reason the Senate or the House or any party should decide through a majority vote that they want to spend more money, then obviously that would change the situation. But then that is a judgment to be made by Members as time goes on.

Again, as I said, we will vote for this; but it really does not do a lot of good. But it does give me an opportunity actually to bring out some things, if I may. Governor George W. Bush indicated earlier this year that he has a tax cut proposal and over the next decade his tax cuts will be $1.7 trillion. He also suggested individual Social Security accounts which would take away from the current beneficiaries. And he suggested somewhere in the range of 2 percent although he has not really elaborated on it. But assuming it is 2 percent, that basically then means that you would have to make that up for current beneficiaries, and that comes as somewhat a little over $1 trillion.

So we are talking about $2.7 trillion of additional debt or money out of the surplus over the next decade. Right now the projected on-budget surplus is $877 billion. And so essentially the Governor will spend over the next decade three times what that surplus will be. Now, we understand by the end of this month, OMB and CBO will come in with another $1 trillion worth of surpluses over the next decade, and so that means that you can actually say that actually he will only then be overbudgeted, or over the surplus by $1 trillion.

Now, if we were really being honest about this, what we would do is not just make it for this fiscal year but we would do it for the next 10 fiscal years. But this is only for the next 18 months or so.

So we will save $15 billion, but that money is going to be saved in any event. Obviously we are going to recommend that our colleagues vote for this; but the reality is again, it is a political act. It is not a substantive act. I am just kind of sorry that we are spending our 40 minutes of debate time on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. FLETCHER), the author of this legislation and somebody who does concern himself with debt reduction.

Mr. FLETCHER. Mr. Speaker, it is really with a great privilege that I get to stand here and introduce this legislation. I recall back just after I was first sworn in, we heard the President of the United States stand up and say he wanted to spend 38 percent of the Social Security. We met in the Committee on the Budget, and we were able to save 100 percent of the Social Security surplus. We continue to exercise fiscal discipline. Because of that, we have surpluses now and will have paid off the publicly held debt by about $300 billion over the last several years.

This bill is about several things. One, it is about priorities, about setting our priorities. Are we going to spend money on more and bigger government? Let me say the minority and the President have offered continually budgets and amendments that would spend and spend and spend on more government programs, on larger government, not on paying down the debt or giving some relief to the American people. So this allows us to say, Look, we have a priority here, and our priorities are, yes, let's pay down the publicly held debt.

Some have said it is not significant but, believe me, I had a young lady, a Girl Scout here last week that came up and we talked about this bill. She figured her family's debt and how many boxes of Girl Scout cookies she would have to sell to pay off her family's portion of the publicly held debt. She would have to sell 19,000 boxes of Girl Scout cookies for her to pay off her family's publicly held debt. That to me is significant to folks back home. To somebody who thinks $16 billion is insignificant and to historically appropriate that to an account in the Department of Treasury, it is just beyond my belief that anyone would believe that that is not significant.

Lastly, this is historic. Why is it historic? Because it is the first time we have said, ''Let's appropriate money.'' We take it off the table. And if people who have been around Washington too long do not understand that, then it is clear they need to go back home and visit with their folks. This takes the money off the table and will allow us to pay down the debt.

Mr. MATSUI. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means.

Mr. MCDERMOTT. Mr. Speaker, Groucho Marx said that the main requirement to be a good politician is to appear to be serious. The Washington Post recently commented on the performance of the majority in this Congress by calling this ''the pretend Congress.''

This is one of the new acts. This debt reduction bill here pretends to do something. We are all called here together, we are going to be serious, we are going to give pompous speeches about how we are going to reduce the debt, and we are saving America, and all those Girl Scout cookies and all that stuff will just be fixed by this bill.

Now, the chairman at least was honest, and I really acknowledge the gentleman from Texas (Mr. ARCHER) honesty. This bill is effective from now until September 30, 2000. It does not quite make it all the way through the election. So it is not really a very good pretend item. It would be better if it went at least until November 8. But this is a bill for 4 months.

Now, you ask yourself, why would anybody be doing such a thing? Well, if you come up to a new reestimate of the revenue estimates here very shortly, the CBO and the OMB are going to come out with a whole bunch more money. Clearly the majority is afraid that they are going to spend it. They cannot save themselves. They have all the votes. This is your problem. We have the votes, as the majority over there, and they are going to put more money on the table and if you do not pass this bill, you will not be able to stop yourself from spending it. That is what this is about, I guess. Or maybe it is not about that.

The fact is that we have a situation where the Treasury does not need this bill to pay off more debt. If we get to the end of the fiscal year and there is some money there, they reduce the debt. They do not have to borrow. It is real simple. They do not need us to pass H.R. 4601 to tell them what they have been doing for 200 years. If they have a surplus, they buy down some of the debt. But this is a symbolic act, as my colleague from California says. I thought this would be on Friday, because this is usually the news cycle on Friday, they want to have something that says the Republicans today have passed a bill to encourage reduction of the debt.

Now, if you think about it, if you want to reduce the debt, you do not give big tax breaks, because taxes bring in money. And if you cut the taxes, there will not be any money to pay off the debt. So when you come out here and vote for tax cut after tax cut after tax cut and then say, And we want to reduce the debt, you simply are not making any sense. There are only two ways to have the money to pay off the debt, either take the taxes and pay it off or reduce the spending and pay it off, one or the other.

□ 1345

I do not see any evidence so far in this appropriations process that we are

actually reducing spending. In fact, we are going up a little bit, and probably we are going to need some of this money along about September the 15 to solve the problem to buy off this program or that program so we can get out of here. All we have to do under this bill, we do not have to repeal the act, we do not have to do anything, just pass the supplemental appropriation.

This can be violated by the most simplistic legislative act of all, just bring out another bill, spend some more money, in spite of the fact that we have passed H.R. 4601, the debt reduction bill. This bill will die in the Senate from laughter. There will not be anybody over there that takes this seriously.

Mr. NUSSLE. Mr. Speaker, we on the majority side appreciate the very strong endorsement, bipartisan way of this debt reduction bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, by the way, lowering taxes increases the revenue to the Government and, unfortunately, gives us a surplus, which is what has happened since the Republicans have been in for 40 years. The Democrats ran the House and the Democrats ran up the debt by spending your money like it was their own.

The Democrats used deficit spending to fund more and more Washington programs. The debt ballooned and they raised taxes over and over again. Paying down the debt was never on the Democrat agenda. Well, times have changed. In just 5 short years with the Republicans in charge, we have turned a billion-dollar deficit into trillion-dollar surpluses.

Under our plan, we are going to eliminate publicly held debt by 2013 or sooner; that is because we believe debt relief is a top priority. That is why this bill mandates that any increase in the surplus must be used to pay down the debt.

This year we believe that will be close to $40 billion. Paying down the debt is going to help all Americans. It will lower mortgage costs and interest rates. More importantly, the American people expect our books to be balanced and our debts to be paid. We have to do it in our own homes, and we must do it in the people's House.

The American people are fed up with 40 years of out- of-control spending by the Democrats, and they want Washington to get its house in order. Those who oppose this bill or believe it is not necessary are playing games with the American people and their money.

Today, we are going to tear up the Democrats' big-spending playbook and get serious about our children's future by eliminating our Nation's debt once and for all.

Mr. MATSUI. Mr. Speaker, we reserve the balance of our time.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Iowa (Mr. NUSSLE) for yielding me the time.

Mr. Speaker, it is interesting to hear some of the protests from the left. My good friend, the gentleman from Washington (Mr. MCDERMOTT), professionally trained as a psychiatrist, seemed to suggest that somehow this was pretend.

Mr. Speaker, I believe a common definition of insanity is doing the same thing over and over again and expecting a different outcome. And if we take a look at the history of the late 20th century, when this House was in different hands, Mr. Speaker, the folks on the left spent and spent and spent and spent and spent some more and raided Social Security and took everything not nailed down and added inflation and did the whole thing, the whole bit, spending money we did not have and yet would return home, Mr. Speaker, to talk about the importance of debt relief.

Let no one be mistaken. This is not delusional. This is not pretend. It is not a political stunt. Mr. Speaker, for the first time since 1916 we are voting to lower the debt ceiling.

We have heard loud and clear from our constituents that they are tired of seeing deficit spending; that as we have put our House in order, by reducing taxes and thereby increasing revenues to the Federal Government, by actually generating more business in the free market and more commerce, at the same time we need to get our fiscal House in order and the gentleman from Kentucky has offered a device to do exactly that.

It is not symbolic. In fact, it is historic, because we lower the debt ceiling. We signal our commitment to reduce deficit spending; and unlike those who have tried different outcomes over and over again expecting a different result, we make a difference today.

Mr. MATSUI. Mr. Speaker, we reserve the balance of our time.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman from Iowa (Mr. NUSSLE) for yielding me the time.

Mr. Speaker, let me explain why this is important: although most Americans assume that a Federal budget surplus in any year is automatically used to reduce the national debt or at least the debt held by the public, this actually is not the case.

The U.S. Department of the Treasury must implement specific financial accounting procedures if it is to use a cash surplus to pay down the debt held by the public. If these procedures are not followed or if they proceed slowly, then the surplus revenue just builds up in the Treasury-operating cash accounts.

This excess cash could be used in the future, yes, to pay down the debt, but only if it is protected from other uses in the meantime. Until the excess cash is formally committed to debt repayment, Congress could appropriate it for other purposes.

Consequently, the current surplus will not automatically reduce the publicly held national debt of $3.54 trillion, unless Congress acts now to make sure these funds are automatically used for debt reduction and for no other purpose.

That is exactly what this bill H.R. 4601 does; and, frankly, this offers a first step toward paying down the debt, because it protects the on-budget surplus for the remainder of this fixed fiscal year, and it appropriates it directly for debt reduction.

This money will be deposited in a designated public debt reduction account. Appropriators would be able to reallocate these funds only by first passing a law to rescind the money from this account.

Now, the debt is a huge drain on the Federal Treasury at a time when the impending Social Security crisis looms closer. Our current national debt problem pales in comparison to the unfunded liabilities already committed to current and future Social Security recipients. It is important we pay down this debt.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, we are hearing today from our colleagues on the other side that perhaps this measure is more symbolic than substantive and might not really accomplish that much. I could not more strongly disagree. The previous speaker, my colleague, the gentleman from California (Mr. ROYCE), made it very clear, and quite rightly, that absent this measure, there is absolutely nothing to stop Congress from spending this money. Of course, if one knows anything about the history of Congress, one knows that that is indeed the proclivity of this body, as well as the other Chamber to do exactly that.

Let me touch on a specific situation and put this in some context. Where are we right now in the 2001 appropriations process? We are trying to pass a series of measures and the President is insisting that he needs another $20 billion or $25 billion above and beyond that record high level of spending that we are proposing.

We hear our colleagues from the other side come down here every time we debate an appropriations bill to tell us we are not spending enough money. One of the ways that this spending can occur is by a devious little budget gimmick which involves reaching back into the previous year, in this case

that would be fiscal year 2000, and spending the money there so that we create the illusion of some modicum of fiscal restraint, when, in fact, it is not recurring.

One of the things we need to do is take this money off the table so that it is not available for that kind of gimmickry, so that the American public gets the budget that they are being told and so that we pay down this debt, this mountain of debt which we have made some progress on but need to make much more.

There is one other point that I would like to make on this. Why is it important that we not just spend this money? Why is it important to limit the growth and the spending of the Federal Government? It is important because we need to remember every dollar that is spent by the Federal Government is the political allocation of other people's money, and we need to minimize that whenever we can and allow the hard-working men and women across this country who are producing the wealth in this country to spend their own hard-earned money as they choose rather than the way that politicians choose. That is why this measure is so important.

Mr. MATSUI. Mr. Speaker, before I call on the next speaker, I yield myself such time as I may consume.

Mr. Speaker, I might just point out to the gentleman and previous speakers on the other side of the aisle that the public debt for the fiscal year 2000 is $5.628 trillion, $5.628 trillion; and under the Republican budget in 2005, 5 years from now, the public debt will go to $5.936 trillion, so it is going to go up under the Republican budget.

I might just point out that instead of all of this talk about reducing it, it is actually going to increase. I might want to emphasize that it is going to increase. I just hope that they would look at the budget document; and perhaps they could clarify it if they so choose.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for yielding me the time.

It is interesting, Mr. Speaker, that one of our candidates for President is running under the theory that it is time to change the old concept that if it feels good, do it. But the bill that we have before us today fits into that. Now, I know my colleagues on the other side have this new-found desire to put their imprimatur on paying down the debt.

It is interesting, because over the last couple of years, they really have not been in that position. They wanted to spend the surplus as fast as they could get their hands on it. In fact, they wanted to spend it far into the future and not even knowing what it is.

I offered amendments, as my dear friend from Iowa (Mr. Nussle) will remember, when we marked up the budget resolutions over the last couple of years, just to have hard freezes and pay down the debt as fast as we could, and I was lectured by the other side that this did not make any sense, and we really should not do it, we should not shackle the Congress' future ability to make the investments that it needs.

Today, we have this bill before us; and we are all going to vote for it, because we all or at least most of us do believe in at least some form of debt reduction whether we do with the belts and suspender approach like this or just do it as it works automatically under current law, but it does not comport as well with the budget resolution that this House passed not too long ago. Because the budget resolution we passed not too long ago says that in future years, if the Congressional Budget Office finds that the surplus projections are actually higher than what was assumed earlier this year, then we could spend that money on additional tax cuts or spending programs or whatever.

Mr. Speaker, now we have decided in this midcourse correction that we are going to say, no, we are going to set this very static limitation on what we ought to be doing with this money.

I just have to say, Mr. Speaker, that I am very happy to welcome my Republican colleagues to the party of paying down the public debt. I do not think this bill is as well written as it could be. I do not think it comports with the budget resolution that my colleagues passed earlier this year. Hopefully, this will move them a little closer in the right direction of continuing what has been the greatest expansion in the American economy under this administration.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, let me address a few things. First of all, when it comes to the other side after years and years of running up deficits over $200 billion a year, I can think of no more amazing conversion than Paul on the road to Damascus.

We certainly have seen a conversion from the other side now that all of a sudden they are the party of fiscal responsibility wanting to pay down the debt. So we certainly appreciate that conversion and hope that as these appropriation bills come up that we do not see some of their regular antics.

□ 1400

As we close out this year, we have set aside this $16 billion, which is significant, very much different than any time before. The publicly held debt is not over $5 trillion, the debt limit is, the publicly held debt is $3.5 trillion. So let me correct that. Obviously, when you add up the debt we owe ourself and the other trust funds, Social Security, et cetera, it does exceed $5 trillion.

But the publicly held debt is $3.5 trillion. We pay interest on that, about 11 cents of every dollar that comes in in revenues. That would increase our revenue, if we paid that down, which we plan on doing with the principle of this bill. By the year 2013, we will pay it down. By 2013, that will increase our revenues by about $180 billion a year. So I wanted to rebut these misstatements.

Mr. MATSUI. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we will support this bill because there is no reason to oppose it. All it does is enact the inevitable. You see, when Treasury takes in more money than it spends, it simply uses the surplus, the excess money, to pay off debt. It does not sit on the money. It has debt coming due at all times. It pays the debt off, retires the debt, uses the surplus in that manner. So I am mystified when I read this bill by what substantively it is supposed to do.

The majority acts as though if we do not put this money in this debt reduction payment account and seal it off, we are going to spend it. But this just begs the question. This is June 20th. The fiscal year ends on September 30. We will not have the incremental additional surplus numbers until some time in July. We are out a whole week in July, we are out for the whole month of August. When are we going to spend it, and who is going to spend it?

Who controls the appropriations process? The majority does. They determine what comes to the floor, what is in it and what passes, because they have the votes. So it is hard to see how this money is going to be spent between now and September 30, when they control the process, unless they elect to spend it on a fast track.

That raises the next question. If debt reduction is such a good idea, and I think it is a good idea, why does this bill just apply to this fiscal year? Why does the bill present itself in this form applicable for just 3 months remaining in this fiscal year? Why does it just apply to the increase in the surplus, for that matter? There is a $24 billion base surplus already projected. If debt reduction is a good idea, why do we not set aside some of that surplus, allocate it to debt reduction?

Why not even go further? Why do we not take a bill and put it on this floor, a bill that does not just apply to fiscal year 2000, but to the next 10 fiscal years, until we have retired the total debt, which simply says out of every surplus we actually realize in the next

10 years we will set aside 50 percent, or make it 33 percent, or 65 percent, some fixed percentage every year allocated by law to debt reduction, if it is such a good idea?

I think it is, and I think it would be a good idea before we actually have that money and it is burning a hole in our pocket, some wanting to use it for tax cuts and others wanting to use it for spending increases, let us allocate a certain amount of it by black letter law to debt reduction. We could do that in this bill, but it does not do that. This bill only applies for 90 days.

If debt reduction is the majority's top priority, I am also mystified, because I was on the floor here when we presented the budget resolutions, our competing resolution and their resolution, which passed and which became the concurrent budget resolution for fiscal year 2001. It allocates all of the additional surplus, all of the surplus that CBO finds over and above the baseline surplus they project now, it takes all of that additional surplus and allocates it to tax cuts. There is a specific clause in their budget resolution for this year under which we are now operating which permits and encourages them to use all of the additional surplus for tax cuts.

If it is such a good idea to use it for debt reduction, why did they not make the allocation there in the budget resolution, which is the operative resolution we have got?

As a result of that allocation in their budget resolution, we presented a budget resolution that would reduce debt over the next 5 years by $48 billion and over the next 10 years by $365 billion. Their budget resolution, by contrast, reduced debt by only $12 billion, because it allocated all of the additional surplus not to debt reduction, as this bill would imply, but to tax reduction.

So, what do we have here? We have a bill that is absolutely minimal in its impact on the national debt, if it has any at all. The chairman, whom I respect, the distinguished chairman said this could be a model for future years. If it is a model, let us take it and apply it to future years. Let us say a certain amount of the surplus every year is going to be set aside to debt reduction. Let us not fool ourselves and the American people by adopting something which will have little if any impact on the actual reduction in the national debt.

Mr. NUSSLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, there has been a lot of very interesting discussion here today. You have the minority party rushing down here to support this legislation, but, boy it is tough. It is tough. I mean, the speeches we are hearing today, about, gee, we would really like to reduce the debt, but there are all these other priorities out here; and, yeah, we will vote for it, but, gosh, it is really tough.

You know, it is tough. I talked to a financial planner one time about how he counsels people that find themselves in debt, and the first thing he says when he counsels people is, when you find yourselves in a hole, stop digging. That is rule number one. It makes sense. And that is what we did a few years ago. We found ourselves in deficits, we were adding to the national debt, we wanted to end that 40-year practice, and we said stop digging, balance the budget, and that is what we did.

But then the second rule that the financial planner from Manchester, Iowa, taught me is he said start filling in the hole. Start filling in the hole that you dug. And you do not do that at the end of the year after you have bought all of the Girl Scout cookies; you do not do that at the end of the year after all of the things you want you have purchased and you have made decisions about. You put debt as a priority.

That is the difference with this bill. The gentleman from South Carolina is exactly correct. If we did nothing else this year, the Treasury at the end of the year will take what is in excess and they will pay down the debt. There is one problem: We do not know what that excess is going to be.

The difference with this bill and the difference with this Congress and the difference with this priority is that we are deciding today that debt reduction is a priority. Yes, we can wait until the end of the day, and the gentleman is correct when he said yeah, you are the majority party, you can decide whether or not you are going to spend it or not, whether you are going to use it for tax cuts or whether you are going to reduce the debt. We are deciding today. Let us reduce the debt.

Mr. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me say this: The gentleman from Iowa said that we think this is tough to vote for this. I do not think any Member on our side of the aisle said anything about this being a tough bill. If anything, this is one of the easiest pieces of legislation in my 22 years in this institution to vote for, because it does not mean anything, it is irrelevant, and it is, I guess, kind of fun sitting up here for 40 minutes talking about something that is meaningless, when we have all these appropriations bills we have to pass by the end of next week. But, nevertheless, I guess we will do it. There is nothing else to do here.

But I would like to just reiterate what my colleague said from South Carolina, that, you know, we should probably make this for 10 years, because if in fact we have the wrong presidential candidate elected, we are going to spend two or three times over the surplus here. As I said in my opening remarks, Mr. Bush intends to reduce the surplus, if there is a surplus, by $2.7 trillion over the next decade, and right now we only are projecting $877 billion in surplus. We may get another $1 trillion, according to CBO and OMB. So he will still be twice over the surplus.

So perhaps we should make this a proposal that will go for the next decade, because, after all, we saw what happened in the early 1980s when we let our emotions get ahead of our discipline. We finally got the budget under control under President Clinton. I would hate to see us lose control over it when he leaves office, but we very well could. So perhaps we should use some kind of gimmick like the debt limit to impose discipline, since it appears the majority party cannot use that discipline on its own.

I might just conclude by saying what Nancy Reagan said when it came to drugs: ''Just say no.'' That is leadership.

Mr. NUSSLE. Mr. Speaker, we are about to just say no to more spending.

Mr. Speaker, I yield the balance of my time to the gentleman from Kentucky (Mr. FLETCHER), the author of this bill.

The SPEAKER pro tempore (Mr. SHAW). The gentleman from Kentucky is recognized for 3½ minutes.

Mr. FLETCHER. Mr. Speaker, I am certainly very pleased to have bipartisan support and bipartisan rhetoric on this floor. Let me first correct a few things though. This does do something different than what is done. Right now, at this point, it is really contrary to popular convention. There is no Federal law that exists that requires surpluses at the end of the fiscal years to be used to reduce the debt. It is the stated practice of the Treasury. In reality, there is some cash the Treasury holds.

Let me give an example. Despite the surplus of $124 billion in fiscal year 1999, the Treasury reduced publicly held debt by just $87 billion. Even when accounting for the seasonal variation, the Treasury will have a cash balance of about $60 billion if this rate continues over the next 2 years.

What this piece of legislation does and what is historical about it is it will set a pattern for the next decade. It allows us, like we do every year when we are appropriating money, to have an account to which we can appropriate money for debt reduction, and certain instruction is given to the Department of Treasury to reduce the debt with that money in that account.

Now, the Treasury has the responsibility to reduce it in a responsible and efficient way, so that the taxpayer's money is used most efficiently, so that we buy the most expensive bonds and redeem those so that we reduce the cost to the taxpayers as much as possible.

This bill also reduces the publicly held debt limit and the total debt limit

of government, the first time it has been done since 1916. This bill sets us on a pattern to totally eliminate the publicly held debt by the year 2013.

I think that is a noble goal. That will increase our revenues tremendously as more money goes back out into the economy to continue the economy's growth. Yet in this last budget, they have talked about tax reductions versus this debt reduction bill. Let me remind you, the President offered a bill that increased spending and programs, that offered 83 new programs. This money was going to be spent, and if we do not take it off of the table right now, it will be spent here in Washington before the end of the year.

This money is appropriated to a new debt reduction account in the Department of Treasury. That is historical. Every year we have this pattern by which when we go through appropriations we can set debt reduction as a priority and set aside that money into this debt reduction account. If the majority decides that they want to spend more on government, they have that option, or if they decide they want to make our taxes fair, which I think is important.

We heard the minority talk about when we tried and did pass out of this House the marriage penalty tax, how they spoke about it being unfair and about how it was too much to give back to the American people, and it really points out the difference in philosophy here.

Let me show you this check. Some have said it is insignificant. $16 billion. Look at the number of zeros on that. That is not an insignificant number that is going to be deposited in this debt reduction account to pay down the publicly held debt. Now, maybe some have been in Washington too long if they think that is an insignificant amount, and maybe some have been in Washington too long if they think if they do not take off the money it will be spent. But, believe me, I have only been here a year and a half, and I understand if you do not take it off the table, it will be spent.

I am very proud of this legislation, and I want to thank the leadership, the chairman, the gentleman from Iowa (Mr. NUSSLE), the gentleman from Pennsylvania (Mr. TOOMEY), the gentleman from Ohio (Mr. KASICH), and others that worked to write this legislation, and I encourage my colleagues to vote for it.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4601, a bill to pay down our public debt. I urge my colleagues to support this worthy legislation.

H.R. 4601 requires that at the end of fiscal year 2000, an amount equal to the non-Social Security surplus be used to pay down the public debt. These funds will be deposited in an off-budget account within the U.S. Treasury, referred to as the ''public debt reduction payment account.''

Moreover, within thirty days after the end of fiscal year 2000, the Treasury Department must report to Congress the amount of money deposited into the account, and how those funds were used to pay down the debt. The amount stipulated in this report must be verified by the Comptroller General of the United States.

While current law stipulates that surplus money at the end of the fiscal year must be used to pay down the debt, this legislation ensures that these excess monies are placed in a fund to prevent their use during the next fiscal year for any other purpose.

Mr. Speaker, the Congress has made great progress in the last three years with ending our long-standing pattern of deficit spending. This bill will further aid the effort to ''live within our means,'' and to avoid a return to spending more than the revenues raised. As we continue to make progress in reducing our overall level of public debt, we will free up billions of dollars that are currently being used to finance the interest on that debt. Lower interest leads to more discretionary dollars to use on investing for the future, and an avoidance of mortgaging the future of our children.

Accordingly, I urge my colleagues to support this timely and appropriate legislation.

Mr. RYUN of Kansas. Mr. Speaker, I rise today in support of H.R. 4601, the Debt Reduction and Reconciliation Act of 2000. More importantly, I rise in support of paying down $14 billion of the debt that will otherwise be left to our children and grandchildren.

The fiscal restraint we can show today by passing this legislation is critical to avoiding the tax and spend trap that brought us into deficit in the first place.

Just five years ago, many in Washington, including the President, did not believe we could balance the budget by the year 2005, let alone 2002 or, as it turned out, 1998. But with the help of the American people and a strong economy, we did it.

Last year, we made another commitment—to balance the federal budget without spending one penny of the Social Security surplus in the year 2000. Once again, we were able to accomplish that goal one-year ahead of schedule.

Now, we have a new challenge—to find a way to pay back the mortgage of federal debt that we owe rather than leaving it to generations to come. We want to pay down the publicly held debt by 2013. Looking back at our track record, I think we can do it—maybe even ahead of schedule.

Mr. Speaker, I encourage all my colleagues to join this effort to eliminate the publicly held debt and pass this bill today with an overwhelmingly, bi-partisan vote.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in strong support of H.R. 4601, the Debt Reduction Reconciliation Act of 2000, and encourage my colleagues to enthusiastically pursue its enactment as soon as possible.

Since Republicans took over the majority in Congress in 1995, we have worked hard to bring fiscal responsibility back to Washington. H.R. 4601 is one more step on this long road. This bill will ensure that the federal government's days of spending beyond our means are really behind us.

Mr. Speaker, those who claim that this bill is irresponsible or merely a publicity stunt are way off-base. In fact, the Debt Reduction Reconciliation Act is an eminently sensible compromise that allows us to cut taxes for hard working American families and small businesses, reduce the federal debt, and protect 100 percent of our Social Security system for our seniors and retirees. At the same time, it also provides sufficient funding for important government programs—like allowing us to increase funding for such essential programs as education, national security, and prescription drug benefits for our seniors.

H.R. 4601 is very straightforward. It will take all of this year's federal non-Social Security surplus funds over and above the anticipated $24.4 billion surplus we were told to expect earlier this year, and lock it away in a new special ''off budget'' account that will be used exclusively for paying off the national public debt. In fact, the Congressional Budget Office is expected to announce this summer that this year's budget surplus will be at least $40 billion. That's $14.6 billion that, under this legislation, would be dedicated to debt reduction this year.

In addition, for every dollar locked away into this national debt-payment account, H.R. 4601 will lower the authorized federal debt ceiling that the federal government is allowed to borrow up to, dollar for dollar. This ceiling is like an authorized federal credit line and it currently allows the government to incur up to $5.95 trillion in debt. Can you imagine—$5.95 trillion of debt? Not too long ago, Democratic budgets projected this kind of debt as far as the eye could see. Now, Mr. Speaker, with enactment of this legislation, Congress for the first time since 1917, will lower the debt ceiling instead of increasing it.

Why should we care about reducing our national debt? Beyond the fact that past irresponsible government borrowing has mortgaged the future of our children and grandchildren and saddled them with a debt that they did not create—reducing our multi-trillion national debt will lower government interest payments which currently consume hundreds of millions of taxpayer dollars each and every year. Anyone who has a credit card knows, as long as you are only paying for the interest charges, you will never dig yourself out of the hold and can only find yourself at best treading water, and at worst sinking in to a quagmire of red ink. Thanks to decades of Democratically-controlled Congresses, America has been in the red for far too long. By dedicating these funds to paying down the debt, we will not only reach our goal to eliminate the public debt by 2013, we will also be able to continue to cut taxes to further relieve American workers of the heavy tax burden they bear and even increase savings. In addition, lowering the federal debt will also relieve the debt's upward pressure on interest rates, which means cheaper car loans, school loans, mortgage loans, and even home improvement loans for hardworking American families.

To be frank, Congress also needs this debt reduction legislation to remove the temptation to spend any unexpected budget surpluses. Let's face it folks, Washington is not known for keeping their hands out of the cookie jar. It's time to get the chain and padlock and secure

these funds out of temptation's way and keep ourselves, and those who follow us here in Congress and in the White House, on this hard-fought road to fiscal responsibility.

I urge my colleagues to join me in supporting this much needed legislation, and encourage an enthusiastic "yes" vote on H.R. 4601.

Mr. CRANE. Mr. Speaker, deficit spending has run rampant for too long. The federal debt has ballooned to nearly $6 trillion. With this legislation for the first time since 1917 we are reversing this trend.

Uncle Sam will actually begin to pay off our $6 trillion credit card bill. Paying off our huge debt should be a top priority, not an afterthought.

Under current law, any money left over at the end of the year is used to reduce the debt. This bill makes debt reduction a priority by setting aside the money up front.

Reducing the public debt is good for the country. It increases national saving and makes it more likely that the economy will continue growing strong. American families benefit through lower interest rates on mortgages and other loans, more jobs, better wages, and ultimately higher living standards.

Reducing the public debt strengthens the government's fiscal position by reducing interest costs and promoting economic growth. This makes it easier for the government to afford its future budget obligations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. NUSSLE) that the House suspend the rules and pass the bill, H.R. 4601, as amended.

The question was taken.

Mr. NUSSLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1415

## SOCIAL SECURITY AND MEDICARE LOCK-BOX ACT OF 2000

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3859) to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms, as amended.

The Clerk read as follows:

H.R. 3859

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Social Security and Medicare Lock-box Act of 2000''.

**SEC. 2. PURPOSE.**

The purpose of this Act is to—

(1) ensure that social security trust fund surpluses shall be used to pay down the debt held by the public until social security reform legislation is enacted; and

(2) ensure that the projected surplus of the Federal Hospital Insurance Trust Fund shall be used to pay down the debt held by the public until medicare reform legislation is enacted.

**SEC. 3. PROTECTION OF SOCIAL SECURITY SURPLUSES.**

(a) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY SURPLUSES.—

''(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

''(2) SUBSEQUENT LEGISLATION.—Except as provided by paragraph (3), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

''(A) the enactment of that bill or resolution as reported;

''(B) the adoption and enactment of that amendment; or

''(C) the enactment of that bill or resolution in the form recommended in that conference report,

would cause or increase an on-budget deficit for any fiscal year.

''(3) EXCEPTION.—Paragraph (2) shall not apply to social security reform legislation as defined by section 7(1) of the Social Security and Medicare Lock-box Act of 2000.

''(4) DEFINITION.—For purposes of this section, the term 'on-budget deficit', when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.''.

(b) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) the receipts, outlays, and surplus or deficit in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, combined, established by title II of the Social Security Act;''.

(c) SUPER MAJORITY REQUIREMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

**SEC. 4. PROTECTION OF MEDICARE SURPLUSES.**

(a) POINTS OF ORDER TO PROTECT MEDICARE SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by adding at the end the following new subsection:

''(h) POINTS OF ORDER TO PROTECT MEDICARE SURPLUSES.—

''(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget surplus for any fiscal year that is less than the projected surplus of the Federal Hospital Insurance Trust Fund for that fiscal year (as assumed in that resolution).

''(2) SUBSEQUENT LEGISLATION.—Except as provided by paragraph (3), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

''(A) the enactment of that bill or resolution as reported;

''(B) the adoption and enactment of that amendment; or

''(C) the enactment of that bill or resolution in the form recommended in that conference report,

would cause the on-budget surplus for any fiscal year to be less than the projected surplus of the Federal Hospital Insurance Trust Fund (as assumed in the most recently agreed to concurrent resolution on the budget) for that fiscal year or increase the amount by which the on-budget surplus for any fiscal year would be less than such trust fund surplus for that fiscal year.

''(3) EXCEPTION.—Paragraph (2) shall not apply to medicare reform legislation as defined by section 7(2) of the Social Security and Medicare Lock-box Act of 2000.

''(4) DEFINITION.—For purposes of this section, the term 'on-budget surplus', when applied to a fiscal year, means the surplus in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.''.

(b) SUPER MAJORITY REQUIREMENT.—

(1) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by inserting ''312(h),'' after ''312(g),''.

(2) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 (as amended by section 3) is further amended by inserting ''312(h),'' after ''312(g),''.

**SEC. 5. REMOVING SOCIAL SECURITY FROM BUDGET PRONOUNCEMENTS.**

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

(b) SEPARATE SOCIAL SECURITY BUDGET DOCUMENTS.—The excluded outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act shall be submitted in separate Social Security budget documents.

**SEC. 6. PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.**

(a) SOCIAL SECURITY.—(1) Chapter 11 of subtitle II of title 31, United States Code, is amended by adding before section 1101 the following:

**''§ 1100. Protection of social security surpluses**

''The budget of the United States Government submitted by the President under this chapter shall not recommend an on-budget deficit for any fiscal year covered by that budget unless it includes proposed legislative language for social security reform legislation as defined by section 7(1) of the Social Security and Medicare Lock-box Act of 2000.''.

(2) The chapter analysis for chapter 11 of title 31, United States Code, is amended by inserting before the item relating to section 1101 the following:

''1100. Protection of Social Security Surpluses.''.

(b) MEDICARE.—(1) Chapter 11 of subtitle II of title 31, United States Code, is amended by adding after section 1100 the following:

**''§ 1100A. Protection of medicare surpluses**

''The budget of the United States Government submitted by the President under this chapter shall not recommend an on-budget surplus for any fiscal year that is less than the projected surplus of the Federal Hospital Insurance Trust Fund for that fiscal year unless it includes proposed legislative language for medicare reform legislation as defined by section 7(2) of the Social Security and Medicare Lock-box Act of 2000 or social security reform legislation as defined by section 7(1) of that Act.''.

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 31, United States Code, is amended by inserting after the item relating to section 1100 the following:

''1100A. Protection of Medicare Surpluses.''.

**SEC. 7. DEFINITIONS.**

As used in this Act:

(1) SOCIAL SECURITY REFORM LEGISLATION.—The term ''social security reform legislation'' means a bill or a joint resolution to save social security and includes a provision stating the following: ''For purposes of the Social Security and Medicare Lock-box Act of 2000, this Act constitutes social security reform legislation to save social security.''.

(2) MEDICARE REFORM LEGISLATION.—The term ''medicare reform legislation'' means a bill or a joint resolution to save Medicare and includes a provision stating the following: ''For purposes of the Social Security and Medicare Lock-box Act of 2000, this Act constitutes medicare reform legislation to save medicare.''.

**SEC. 8. EFFECTIVE DATE.**

(a) IN GENERAL.—This Act shall take effect upon the date of its enactment and the amendments made by this Act shall apply to fiscal year 2001 and subsequent fiscal years.

(b) EXPIRATION.—(1) Sections 301(a)(6) and 312(g) of the Congressional Budget Act of 1974 shall expire upon the enactment of social security reform legislation.

(2) Section 312(h) of the Congressional Budget Act of 1974 shall expire upon the enactment of medicare reform legislation.

The SPEAKER pro tempore (Mr. SHAW). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from South Carolina (Mr. SPRATT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3859.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for over 30 years, surplus dollars in the Social Security Trust Fund were raided and spent on unrelated programs. Last year, this Congress took the first step towards stopping the raid on Social Security bypassing legislation I introduced, the Social Security lock box, by an overwhelming 416 to 12 vote. Our efforts paid off, and last year, not one penny of the $124 billion Social Security surplus was spent.

But Social Security is not the only trust fund to be raided over the years. Over the next 5 years, taxpayers will pay an estimated $126 billion more into the Medicare trust fund part A which pays for in-patient hospital care than will be taken out for Medicare expenses. Without a Medicare lock box, those surpluses will be spent.

Mr. Speaker, it is time to raise the bar and protect Medicare. The 40 million seniors and disabled in this Nation that depend on Medicare deserve to know that their Medicare money is not being spent on anything else.

In March, I introduced the Medicare lock Box we are debating today. Through a point of order, this Medicare lock box prohibits the consideration of any legislation that spends any of the Medicare part A surplus. The Medicare lock box also prevents Medicare surpluses from being intermingled with the rest of the budget. Additionally, under this measure the protected Medicare surpluses will go towards paying down public debt, accelerating our efforts to pay off the public debt by 2013.

Mr. Speaker, this bill is a win-win. It is a win for fiscal discipline, it is a win for fairness in budgeting and, most importantly, it is a win-win for our seniors.

I urge my colleagues to stand up for our seniors and vote for the Medicare lock box.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week, the Vice President introduced the idea of taking the Medicare part A Hospital Insurance Trust Fund off budget, putting it off budget completely. There was no such plan on the other side. Their budget resolution, which they pushed through 2 months ago, used all of the projected surpluses, including the Medicare surplus for tax cuts and a few program increases. To the extent that anyone deserves credit here, I think we should say the Vice President has initiated an idea which the Republican majority is today embracing, but in a different form. They do not go as far as he proposes.

The version of this bill that is before us now was not drafted until last night. It was not introduced or referred to the Committee on Budget, which has jurisdiction. Section 306 of the Budget Act gives us jurisdiction specifically over this kind of legislation. We have not held hearings, we have not taken testimony, and our debate is limited to 40 minutes without any amendments in order.

For that reason, I would like to put some questions to the gentleman from California (Mr. HERGER), who is the sponsor of the bill, if he would answer them for clarification and for legislative history.

Why does the gentleman propose not to take the Medicare part A Trust Fund off budget as the Vice President proposed? Why has the gentleman elected not to take it off budget and have a clean separation between it and the rest of the budget?

Mr. HERGER. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from California.

Mr. HERGER. Mr. Speaker, my original bill actually did take it off budget. That is what I would like to see done eventually. However, as the gentleman knows, I did pass legislation last year, which I believe the gentleman supported, on taking Social Security off budget which we cannot even get out of the Senate, which the Vice President seems to be opposing his President on over there. So what we are doing is taking it one step at a time.

I might mention that even though it passed here overwhelmingly, and even though the Vice President, who brought this out 2 weeks ago, and I congratulated him, I authored it last March, it is better to come late than not come at all, and I am glad he is joining us.

Mr. SPRATT. Mr. Speaker, reclaiming my time, the gentleman begs the question. If this is what we did with Social Security in order to protect it, why not do the same with Medicare? Has the gentleman made a compromise?

Mr. HERGER. Mr. Speaker, why do we not pass this first, and then we will do it next year.

Mr. SPRATT. Mr. Speaker, section 3(b) of the gentleman's bill adds a new requirement to the congressional budget resolution. It requires the resolution to show receipts, outlays, and surpluses of deficits in the Old Age and Survivors, OASDI Social Security Trust Fund. This is a new requirement, for since 1991, budget resolutions have excluded Social Security. Why does the gentleman now require budget resolutions to show the Social Security surplus when, for a decade, they have been prohibited from showing the Social Security surplus?

Mr. HERGER. Mr. Speaker, if the gentleman will again yield, I believe we need to do that, because as the gentleman knows, during the years that the Democrats controlled this House for over 40 years that these surpluses were spent, they were counted as part of the ongoing budget. So the intention is to separate them, to actually determine what is being spent and what is

not being spent, so that we can hold each of our Members, 435 here in the House and 100 in the Senate, responsible if they vote for spending that goes into that. That is why we want it separate.

Mr. SPRATT. Mr. Speaker, reclaiming my time, the gentleman is not separating them. That is just the point. By putting them back in the budget, the gentleman is undercutting the whole idea of having Social Security off budget. It boggles my mind why the gentleman would want to do that, when the idea is to separate these accounts and treat them differently from the ordinary accounts of the budget.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Speaker, I believe it was 1985 that we passed the law to take Social Security off budget; and as everybody is aware, even with that designation, we continued to spend the Social Security surplus. So it would seem to me, I would say to the gentleman, it is not how the gentleman might construct it where we put these numbers, but it is the final decision whether we spend the money or not.

Mr. SPRATT. Mr. Speaker, reclaiming my time, the problem we have is that section 3(b) requires that the congressional budget resolution show receipts, outlays, and surpluses in the OASDI trust fund, while section 5 prohibits it. Am I correct? I had to ask staff to make sure I am correctly interpreting that. Why the contradiction? Is this a result of midnight compromises made on how this bill was to be drafted?

Mr. HERGER. Mr. Speaker, if the gentleman will yield further to me, again, looking back since 1935, almost all of those years were controlled by the Democrats. These were, number one, being spent and were included as part of the budget.

My ultimate goal is to do as we did last year with Social Security and take it completely off budget. My concern is, because of opposition on the gentleman's side and the fact that the Vice President evidently, and Senator DASCHLE, a Democrat from South Dakota, are not allowing us to vote on it over there, we thought we would take it one step at a time.

The first step would be that at least we were not going to count it, that it would be secluded, that we would see the number and it would have to be reported as a separate number, taking that as a half a loaf, and then come back next year, which I can assure the gentleman I am going to do, and go with the rest of the loaf to make sure it is completely off budget.

Mr. SPRATT. Mr. Speaker, reclaiming my time, just to say in conclusion that we will take the whole loaf. If the gentleman wants to go with setting it off completely, we will vote for that; and we do not understand why the gentleman has not gone that far.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Members are reminded that they should not criticize positions of Members of the other body during the debate.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

What our goal is, since 1935, we have been spending both Social Security and the Medicare part of Social Security on ongoing programs. I am very grateful that we have a bipartisan bill here, we have Members of the other party; and I am very grateful for the gentleman from Texas (Mr. STENHOLM), who has been working with us on our last bill last year and this one this year; and the goal is that we not spend it, and that is what we are attempting to do.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH), who has spent many, many hours working on Social Security; and I appreciate the gentleman's efforts.

Mr. SMITH of Michigan. Mr. Speaker, it is a good start. We need to remind ourselves that simply not spending the money does not fix the solvency problem of Social Security or fix the solvency problem of Medicare. Mostly because of demographics, the actuaries have determined that both of these programs are going broke, the challenge is, where do we get that money to keep the commitment we have made to seniors that those promised benefits are going to be there.

I think all Members can support this kind of legislation that encourages not spending any of the Social Security or Medicare surplus money on other government programs. This commitment is going to help some with the huge problem of keeping Social Security and Medicare solvent.

I was hoping in this presidential election that we could come debate real specifics in terms of how we are going to save Social Security and Medicare. Sadly, it would be demagogued because it is so easy to scare the seniors that depend on these programs. This President, I think, had a unique opportunity to lead us, in the last three years to keep Social Security solvent forever. That did not happen, and now we are hoping that the next President will do that. I congratulate the gentleman from California (Mr. HERGER) for moving us ahead, at least in the effort to encourage this Congress to have some fiscal responsibility, fiscal discipline, of not using the Social Security surplus or the H I trust fund surplus for either tax cuts or for spending on other government programs. That is good.

Mr. Speaker, for the record, I have introduced legislation that provides a sequester if we were to use either of these trust fund surpluses for either of those purposes. So anybody that would like to join me in cosponsoring H.R. 4694, I welcome their cosponsorship. Let us pass Mr. HERGER's bill. Let us make it unanimous, and let us have the courage and fiscal discipline we need to save these two important programs.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, it is always fun to come out here on press release day and to see what the majority has got in mind for press releases for the weekend.

As I look at this, this is a bill that reminds me of an automobile. I remember there was an automobile called the Pinto, and it was out there and it kept exploding and burning and people got in a terrible mess, so they had a recall.

□ 1430

Now, this is a recalled bill, because the gentleman from California (Mr. HERGER) passed the bill last year to protect social security. By George, we passed it 414 or whatever it was out of here. Now here we are back fixing it.

What was the matter with the one we did last year? Was it the fact that they left out Medicare, and the Vice President said that we ought to take Medicare off-budget, too, like the President said in his State of the Union message? Was it those issues that finally lead to, well, as soon as the Vice President said it, the next thing we know we have this bill here? It is the history of this bill.

I think, Mr. Speaker, and I am really serious about this, the reason this is a pretend Congress is because nobody on the gentleman's side takes this Congress seriously and its procedures when we have a bill introduced and it never has a hearing, never has a hearing, no testimony whatsoever, and then suddenly the Committee on Rules meets all by itself and they pop a bill out that is not even the one that was introduced into the Congress, so it has had no hearings in the Committee on the Budget, who is going to have to work with us in the future.

The gentleman from South Carolina (Mr. SPRATT) and I have sat there and watched this process, and this is going to make it even worse because we are having bills introduced affecting that committee by members of the Committee on Rules who apparently, I do not know, they must have had some revelation come down from heaven in the dark of the night that this was the bill.

The Congressional Budget Act prohibits that, specifically prohibits bills being considered on the floor of the House that have not been considered in the committee that handles them, the Committee on the Budget. So they broke the rules of their own Congress. It is like, well, those are just rules, who cares, right?

In doing so, they do things that make no sense at all, because they have section 3(b) that says we have to show the social security surplus, and we have section 5 that says we cannot show it. Now, we cannot have it both ways. We cannot show it and not show it. So they did not even take the time last night to even proofread the bill.

This is a travesty and a joke. The other body will consider it the same.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Just to quickly respond to the gentleman, again, this legislation was authored last March 6. I am pleased that the Vice President came out 2 weeks ago and does not want to spend social security-Medicare trust funds now.

Really, that is what it is all about, are we going to continue, as the last Congresses have for over 30 years, spending social security and Medicare trust funds, or are we going to save it just for that?

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), who serves on the Committee on the Budget and has worked on this issue very diligently.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from California for all his hard work. He and I have worked on this issue quite a bit in the last Congress, and the gentleman has worked on this in prior Congresses. Let us clear this issue up and bring it out of the process and the mechanistic talk. What we are talking about here is stopping the raid on social security, stopping the raid on Medicare, and equipping Congress with the tools to do that.

Does this bill go all the way and save social security and Medicare? No. We are not suggesting it does.

As a member of the Committee on the Budget, as a new Member of Congress, I dedicated my time this year to trying to change the culture in Washington. For the last 30 years there has been a culture in Washington which has basically said this: If we are going to pay our FICA taxes off of our paycheck for social security and Medicare, Washington does not care if we pay it for social security and Medicare, because Washington is going to take it and spend it on other government programs that have nothing to do with social security and Medicare.

We need to stop those days, Mr. Speaker. We need to stop the days of raiding social security, of taking money from Medicare and social security and spending it on programs that have nothing to do with it. What this bill does is fix the rules in Congress so we do not consider that kind of legislation.

We have a point of order saying we are not going to consider legislation if it attempts to raid social security and Medicare. We are going to make sure that when we analyze our budgets, when we total up the numbers of the Federal Government's budget, we are not counting the social security and Medicare trust fund against our deficits or against our debts. We are saying, honest accounting, stop the raid on the program.

I have a bill which has some of these provisions in it which stops the raid on the social security program indefatigably, stops it by law. This bill changes the culture in Congress, a culture that has occurred here for 30 years where people would vote for legislation that would raid social security.

The President gave us a budget 2 years ago that took 38 percent of social security out of social security and spent it on other government programs. We are saying no to that.

This Congress, this Committee on the Budget, last year stopped the raid on social security for the first time in 30 years. We are following up on that promise. We are following up on that policy by saying that we are changing the culture in Washington. We are changing the rules in Congress so when we do legislation here from now on, we are not going back to those old days of raiding social security and raiding Medicare. If we pay our FICA taxes off of our paycheck, that money will go to social security and will go to Medicare, period, end of story.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in support of the Social Security and Medicare Safe Deposit Lockbox Act. I want to commend the gentleman from California (Mr. HERGER) for his work in introducing the legislation.

I was proud to join him in sending out Dear Colleagues twice to our colleagues encouraging them to support this legislation. But I must say, I am rather disappointed that the gentleman's leadership chose to change the legislation significantly last night between the time we wrote the letter encouraging them to support it and what we have before us today.

Why they did that only the gentleman and they know. That is not a reason for us not to vote for the legislation today. It is still a step in the right direction. By creating a firewall around Medicare trust fund surpluses to protect these revenues for exclusive use in the Medicare program, this bill will take another step forward in maintaining fiscal discipline and improving our ability to meet the fiscal challenges of the future.

For the last several years I have joined with my Blue Dog colleagues to offer budgets that would truly balance the budget without counting either Medicare or social security surpluses. As has already been discussed, recently the Vice President put the issue on the national agenda by proposing that the newly calculated surpluses be used to take Medicare off-budget.

I want to congratulate those, now the House leadership, for endorsing the wisdom of the Blue Dog position and following the Vice President's lead on the issue, and following the lead of the gentleman from California (Mr. HERGER), although I must say, I wish the gentleman on this side of the aisle would have seen the wisdom, and more on our side of the aisle would have seen the wisdom, in voting for our Blue Dog budget earlier this year in which we would have already had this done.

While congratulating my Republican colleagues for bringing this legislation to the floor today, I also remind them that this legislation applies to both spending increases and tax cuts that would dip into the Medicare surplus. Every Member who votes for this legislation today and brags about protecting Medicare should keep that in mind when talking about either large tax cuts or new spending proposals later this year.

At the moment, the Medicare trust fund is running a surplus. That story will change drastically in the next decade when the baby boom generation begins retiring and depends on Medicare for their health coverage. Rather than consuming current surpluses through large tax cuts and new government spending, we should use them to prepare for the challenges Medicare faces. That is what we do with this legislation today.

I again repeat, I am disappointed the bill before us was changed last night so it no longer excludes the Medicare trust fund from calculations of the on-budget surplus, and would allow us to continue the practice of using the Medicare surplus to inflate surplus totals. It is not as good a bill as the gentleman from California (Mr. HERGER) introduced or that I cosponsored, but it is still a good bill.

Whether we technically take Medicare off-budget or not, I hope all Members will honor the spirit of this legislation and not count the Medicare surplus when talking about the amount of surpluses available to be divided between tax cuts, increased spending, and debt reduction.

We are headed in the right direction. We are headed in the right direction by agreeing to save the Medicare trust fund surpluses to pay down the national debt and protect the long-term solvency of both social security and Medicare. However, we should go further by walling off some of the on-budget surpluses beyond social security and Medicare for debt reduction. Doing so would represent a much stronger commitment to paying down our $5.7 trillion national debt.

Saving a portion of the non-social security and Medicare surpluses for debt reduction would start to make up for the years in which we borrowed from those surpluses instead of saving them, as we should have done. In addition,

walling off a portion of the on-budget surplus for debt reduction provides a cushion if budget projections change for the worse.

We should not kid ourselves that this legislation alone solves the long-term challenges facing Medicare, but until we can reach agreement on comprehensive Medicare reforms to put the program on a stronger financial footing, the next best thing we can do is pay down the debt by saving the entire Medicare surplus.

I encourage all Members to support this legislation, which is a good step forward, and continue to move toward further fiscal responsibility. Again, I congratulate the gentleman from California (Mr. HERGER) for his leadership in this endeavor.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Again, I thank my good friend, the gentleman from Texas (Mr. STENHOLM), for his longtime support and work on walling off both social security and Medicare.

Let me just point out again that this does take Medicare off the table. It would require a special vote in order to spend anything above that. It does not go quite as far as the gentleman from Texas and I want to go. Hopefully next year in further Congresses we will do that, but I do thank the gentleman for his help.

Mr. Speaker, I yield 3 minutes to the gentleman from South Dakota (Mr. THUNE), and I want to again thank him for his tireless support in working in this area.

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding time to me. I thank him for his great leadership on this issue.

In fact, the gentleman is such a great leader that the Vice President has adopted the Herger position for his campaign, which I think speaks to the power and potency of this issue.

Last year, the Republican Congress did the right thing. We said that we are going to rope off social security and make sure it does not get spent for other purposes, because for far too long in this Congress social security and Medicare surpluses and trust funds have been Washington's cookie jar to fund all these other programs in government.

We said last year, categorically, this has to stop. The American people deserve better, our seniors deserve better. We made that commitment with social security. Unfortunately, the legislation has been stalled in the Senate, yet we need to move forward to ensure that we have the same level of protection for Medicare, and that is what this legislation would do today. Hopefully we can get action on the social security lockbox as well as the Medicare lockbox.

Last year, Mr. Speaker, the Federal government dipped into Medicare by about $21 billion to fund unrelated government spending in other areas. We do not need bigger government and we do not need to finance bigger government with social security and Medicare payroll taxes, taxes that people pay with the expectation that those programs are going to be there some day for them.

What we need is fiscal responsibility, and to provide more security for all of Americans' retirement. This bill does just that, and it provides the basis and foundation upon which we can build the Medicare reform that the gentleman from Texas was talking about.

Mr. Speaker, my State of South Dakota is a very rural State. It is not uncommon in South Dakota to have in a hospital 70 percent of the patient load being Medicare-dependent. When Medicare funding is used to fund other programs of government, it deprives that important program of those funds that are necessary to fund the investment in technology to make sure that grandfathers and grandmothers and parents in rural areas have access to critical hospitals and to the other health care requirements that they have to deal with. So it is important that this funding in the Medicare trust fund be protected for just that purpose.

I signed onto this legislation, Mr. Speaker, because it is the right thing to do for America's seniors and it is the right thing to do for America's taxpayers. We need to continue to be guardians of these trust funds. Before last year, they were raided for some 40 years. It is time that we stop the raid on these trust funds and ensure that we are doing everything that we can to end the waste, fraud, and abuse in government, and to put the additional safeguards in place to ensure that social security and Medicare dollars are not stolen to pay the other government bills that are wrapped up by this Washington government, but that they are locked away and put to the use for which they were intended. That is to provide health care for our parents, our grandparents, and hopefully some day for our children.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill walls off the surplus in the Medicare Part A trust fund. It says in effect that the surplus in the President's budget and in the congressional budget resolution should be at least as large every year as the Medicare Part A surplus. In addition, of course, tax cuts and spending increases could not reach that target.

The idea of taking the Part A trust fund off the table, not off the budget, is a small step forward, because it means that a slightly higher share of the projected surpluses over the next 10 years are going to be devoted to paying down publicly-held debt. That is good for social security, that is good for Medicare, that is good for the economy. That is why I voted yes.

But this is just a small step, a token step, since preserving the Medicare surplus does not really extend Medicare solvency for one day. Our long-term fiscal situation implies that over the course of the next 10 years, while we are generating these on-budget surpluses, we should be devoting a significant share of them to Medicare solvency, to debt reduction, and to social security solvency for the long run.

□ 1445

That is why I said earlier on the previous bill that we ought to have a piece of legislation here which simply says we resolve that now, and into the future; we will set aside some fixed percentage of our own budget surplus every year for debt reduction or for contribution to these trust funds.

The Clinton administration and our congressional Democratic budget resolution devoted more than 40 percent of the projected on-budget surplus to debt reduction; and we took $300 billion out of the general fund, that is out of the on-budget surplus, and put it in the Medicare trust fund in order to extend the solvency of the Medicare program into and past 2020. The Blue Dog budget, which was offered as an alternative, committed 50 percent of the projected on-budget surplus to debt reduction.

But the Republican plan devoted essentially none of the surplus to debt reduction and took none of it, none of it, and put it into Medicare where it would ensure, at least extend the solvency of the program.

Unlike the proposal made the other day by Vice-President GORE, as I have noted, this bill fails to take the Medicare trust fund off budget. It simply takes it off the table or out of the calculation. In addition, it has something in it that I would call a trap door. In fact, it was in the Social Security legislation, too. Specifically, any legislation that identifies itself as Social Security reform or Medicare reform, it only has to recite those magic words, ''is automatically exempt without further proof from the provisions of this lockbox.''

This is very much like the emergency spending exemption that we have got in current law. Any legislation that is designated an emergency by somebody, no matter how routine, is exempt from the spending caps. The same can happen with Medicare reform and Social Security reform.

The bill itself says in black letters, all one has got to do is recite ''this bill is for Medicare reform, this bill is for Social Security reform,'' and, bang, these provisions no longer apply to one.

Finally, Mr. Speaker, if the majority were really serious about using projected surpluses to reduce debt and save and protect Medicare and Social Security, then I think they would take this bill, this occasion, to repeal section 213 of the budget resolution which

they passed weeks ago. In just a few weeks, the Congressional Budget Office is going to increase its estimate of the projected on-budget surpluses by $800 billion, a trillion dollars, maybe $1.2 trillion, maybe more.

Section 213 of their budget resolution will allow the chairman of the Committee on the Budget to commit, give, devote as much as 100 percent of that increase in the projected surplus to the Committee on Ways and Means for additional tax cuts instead of debt reduction, instead of saving Social Security, instead of protecting Medicare, use 100 percent of it for tax reduction.

If my colleagues were serious about debt reduction, serious about protecting Medicare and Social Security, surely, surely we would say some of these additional surpluses will be retained, set aside, and protected for these essential programs and this essential purpose, and that is debt reduction.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just briefly responding to the gentleman from South Carolina (Mr. SPRATT), who mentioned this is at least a small step, I really believe this is a major step. It is the first step, because it is saying that, for the first time in more than 40 years, we are not going to do as previous Congresses have done, the party of the gentleman from South Carolina did, for all the years it controlled this House, in that they spent it all. They counted it, included it as part of the ongoing budget and spent it.

What we are saying is that this money is being removed from the table. We are not going to spend it. We are dedicating it as the first step to be used to saving and preserving and improving Medicare.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Speaker, as a relative newcomer on the block in Washington, people ask me all the time in my district if it seems different to be in Congress, if Washington is different, if it is different than our State legislatures, if it is different than our local councils. I always tell them it is astoundingly different; that, in fact, there is a culture of spending in Washington that is really unmatched anyplace else around this country.

As a member of the Committee on Appropriations, it is an everyday take-your-breath-away experience as I see one amendment after another to spend millions, hundreds of millions, billions more dollars.

In fact, last week, there was an all-day markup that, that day alone, Members made proposals to raise spending $10 billion. The culture that there is no limit to the dollars, that there is no pain, that there is no working family at the other end of those tax dollars that paid that money in, in tax dollars and took it out of what they could spend for their children has been just an amazing culture for me to behold.

I am proud to be part of a Congress that is trying to change that culture that has been with us for 40 years, that one could spend every dollar one could take, and that one could spend it when it is meant for future obligations in what feels good today or programs that we have today or new ideas that people have, that there is no limit.

So we are maybe making beginning steps, but they are powerfully important. One of them is to take the Medicare dollars off the table from what we consider as surplus. For years, we have used Medicare dollars to fund new programs and programs that exist that we want to put more dollars into.

What we have done, in essence, is to put an IOU in the cookie jar and said, someday, when Medicare needs this money, they can take it out. But of course when Medicare opens the cookie jar, there are no assets there to pay the bills. We are not going to be able to sell off our assets, our airports, our schools, our roads in order to recoup this money for Medicare.

So this bill today, it is for our fathers and our grandparents. It is for those who put the money in for so many years when it was not respected for the purpose it was expected to be spent for. But it is also for our children, our children who want the best for their grandparents and for their parents who want to know that they can live up to their responsibilities and who we owe them the possibility of a program that is solvent enough that they can assume their responsibilities.

I am lucky; I have both of my parents who are 78 who, for years, contributed to this country and made their contribution. Let us recognize that as we pass this bill today.

Mr. SPRATT. Mr. Speaker, may I inquire of the Chair how much time I have remaining.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from South Carolina (Mr. SPRATT) has 2 minutes remaining. The gentleman from California (Mr. HERGER) has 4½ minutes remaining.

Mr. SPRATT. Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to thank all the colleagues that have come to the floor today to support this incredibly important first step toward protecting Medicare surpluses. Over the next 5 years, an estimated $126 billion more will be paid into the Medicare trust fund by taxpayers than is currently being taken out for Medicare expenses.

Our seniors deserve to know that these Medicare surplus dollars are not being spent on unrelated programs. The Medicare lock box prohibits legislation that spends the Medicare surplus from being considered and separates Medicare funds from future budget projections.

Last year, we locked away the Social Security surplus. Today we have the opportunity to take it one step further and protect our seniors' Medicare surpluses.

I urge my colleagues to support this.

Mr. Speaker, I reserve the balance of my time to close.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to vote for this bill because I think basically we should segregate the part A trust fund. But I am going to plead the abuse of process before acceding to the bill, because this is not the way to make important law.

As I said earlier, this bill was not drafted, to the best of my knowledge, until last night. We did not see it this morning until 10 o'clock or 11 o'clock. It was not introduced or referred to the Committee on the Budget. It did not come through the Committee on Rules. The Committee on the Budget has jurisdiction, but we have held no hearings on it. We have taken no testimony.

Now the debate is limited to 40 minutes, and there are no amendments in order. That is too bad. The House ought to be able to come out here and work its will on a piece of legislation this important. If we were allowed to, we could have corrected some of the flaws in the bill. I think if we put it to the House as a whole, do we want Medicare taken cleanly off budget, it would be an overwhelming yes. We still do not know why that compromise was made.

Secondly, there are glitches in this bill that honest, open debate, an amendment, could, number one, ferret out and, number two, correct. For example, as I pointed out, section 3(b) adds a new requirement to congressional budget resolutions. It requires the resolution to show the receipts and outlays and surplus of the Social Security Trust Fund.

Then section 5 of the same bill flat prohibits any agent or instrumentality of the Federal Government from including the Social Security surplus in any document that shows the Federal surplus or deficit. Any instrumentality. What if we were to do that in a newsletter? Are we an instrumentality of the Government? This is a kind of drafting error that we could wash out of the bill if we had an opportunity to do; but we do not, not on the House floor today.

This bill requires that Medicare part A be set aside, but it does not require the congressional budget resolution specify exactly how much is being set aside. That seems to me elementary.

Why would it not provide that this is the part A trust fund, this is the amount we expect, and we are setting it aside, taking it off the table, out of calculation.

So the House has not had an opportunity to do its will, and we are passing a bill that is a lot weaker than it could be if we had an opportunity to make it better.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is not a complicated bill. It is very simple. It is basically saying that, for the first time in more than 40 years, that we are not going to spend the surplus, whatever that surplus is. That is, in Medicare and Social Security, we are not going to spend it. Very simply, whatever it is, we are not going to spend. It brings about a point of order to ensure that we do not.

Look how far we have come. It was only a few years ago that we were looking at deficits of $200 billion and $300 billion, and that did not even include the surplus of Social Security or Medicare. Then a few years ago, we were reporting $80 billion, $90 billion, $100 billion surpluses; but that did include, I am afraid, Medicare and Social Security.

But guess what, those surpluses were only half true. Every penny of those surplus dollars were really Social Security dollars. So what did we do? We passed a Social Security lock box last year that said that we would not spend any of the surplus of Social Security, and that passed. Now Congress and the President speak of budget surpluses without Social Security being included in it. This amount is estimated to be $40 billion this year.

Now we are raising the bar one notch higher. We are saying that we are now going to stop raiding Medicare, just as we stopped raiding Social Security last year. What we are doing is ensuring that Social Security recipients deserve to know that their Medicare dollars are not being spent on anything else except Medicare.

This bill is a win-win. It is a win for fiscal discipline. It is a win for Medicare. Most importantly, it is a win for our seniors.

I urge all my colleagues to support this Medicare and Social Security lock box.

Ms. ROS-LEHTINEN. Mr. Speaker, it is common knowledge that most of today's American families can no longer live comfortably on one sole income, in fact, most households depend on at least two incomes, and as if that wasn't enough, today's American employees average more hours at work than employees from other nations.

It is crystal clear that Americans work hard for their paychecks, which is why it is disheartening to know that when a significant percentage of their hard earned money is involuntarily removed for a Medicare fund, our government will use it as a slush fund to operate completely unrelated programs from which our seniors will never benefit.

Our nation's population is rapidly aging and in response to this, Congress must make the protection of Medicare dollars a high priority in order to deliver healthcare for seniors.

Our seniors deserve the health care benefits they were promised.

Our seniors need to know that they will receive adequate healthcare when they need it most.

They need not be terrified, as many are, about whether their doctor visits, treatments and even prescriptions will be covered.

Today, the House of Representatives hopes to put seniors' worries at ease as we will vote on H.R. 3859, the Social Security and Medicare Safe Deposit Box Act.

I thank my colleague, Congressman WALLY HERGER for creating this legislation which will reserve Medicare surplus dollars only for responsible debt reduction or spending on the Medicare program.

Soon after today's vote, seniors will no longer need to fear that the money set aside for their Medicare and well being will be used as a big government slush fund.

Similarly to the Social Security lock box which passed by a vote of 417–2 last year, this Medicare lock box is the right thing to do; the responsible thing to do.

Today's vote is the first step in ensuring our nation's seniors that they will no longer need to fear about whether they will be taken care of in their old age.

Today, Congress will make history because today we begin the guarantee of security in healthcare for our senior citizens.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3859, the Social Security and Medicare Safe Deposit Box Act of 2000, and urge my colleagues to join in support of this bill.

H.R. 3859 amends the Congressional Budget Act of 1974 to protect the net surplus of the Medicare Part A or Social Security trust funds by moving them ''off budget.'' Specifically, they may not be counted as part of the overall federal surplus by either the President or the Congress. The bill further amends the Budget Act of 1974 to allow a point of order to protect Social Security surpluses in both the House and Senate from legislation whose enactment would either cause or increase an on-budget deficit for a fiscal year, with the exception of Social Security reform legislation.

Moreover, H.R. 3859 also makes it out of order for either chamber to consider any measure whose enactment would cause the on-budget surplus for a fiscal year to be less than the projected surplus of the federal hospital insurance trust fund for that fiscal year. This provision makes an exception for Medicare reform legislation.

Finally, H.R. 3859 requires that any statement or official estimate issued by the Congressional Budget Office or the Office of Management and Budget must exclude any surplus in the Social Security trust fund when issuing totals of the surplus or deficit of the United States Government. The legislation applies to fiscal year 2001 and future years.

Mr. Speaker, the Congress has made significant strides in the past three years with regards to ending the practice of raiding the Social Security Trust Fund to mask the true size of the Federal outlays. This legislation will ensure that our practice of fiscal restraint will continue.

By approving this bill, the House will demonstrate to the American people its commitment to protecting the long term solvency of both the Social Security and Medicare systems. For that reason, I urge my colleagues to lend it their strong support.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 3859, as amended.

The question was taken.

Mr. HERGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1500

## CONGRESSIONAL GOLD MEDAL TO ASTRONAUTS NEIL A. ARMSTRONG, BUZZ ALDRIN, AND MICHAEL COLLINS.

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2815) to present a congressional gold medal to astronauts Neil A. Armstrong. Buzz Aldrin, and Michael Collins, the crew of Apollo 11.

The Clerk read as follows:

H.R. 2815

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

The Congress finds the following:

(1) Astronaut Neil A. Armstrong, as commander of Apollo 11, achieved the historic accomplishment of piloting the Lunar Module ''Eagle'' to the surface of the Moon, and became the first person to walk upon the Moon on July 20, 1969.

(2) Astronaut Buzz Aldrin joined Neil A. Armstrong in piloting the Lunar Module ''Eagle'' to the surface of the Moon, and became the second person to walk upon the Moon on July 20, 1969.

(3) Astronaut Michael Collins provided critical assistance to his fellow astronauts that landed on the Moon by piloting the Command Module ''Columbia'' in the Moon's orbit and communicating with Earth, thereby allowing his fellow Apollo 11 astronauts to successfully complete their mission on the surface of the Moon.

(4) By conquering the Moon at great personal risk to their safety, the three Apollo 11 astronauts advanced America scientifically and technologically, paving the way for future missions to other regions in space.

(5) The Apollo 11 astronauts, by and through their historic feat, united the country in favor of continued space exploration and research.

**SEC. 2. CONGRESSIONAL GOLD MEDAL.**

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, gold medals of appropriate design to astronauts Neil A. Armstrong, Buzz

Aldrin, and Michael Collins, in recognition of their monumental and unprecedented feat of space exploration, as well as their achievements in the advancement of science and promotion of the space program.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

**SEC. 3. DUPLICATE MEDALS.**

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

**SEC. 4. NATIONAL MEDALS.**

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

**SEC. 5. PROCEEDS OF SALE.**

Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on a clear sunny Wednesday in July 1969, the first human journey to the surface of the moon began at Launch Complex 39 of the Kennedy Space Center in Florida. With the liftoff of Apollo 11, Commander Neil Armstrong, Commander Module Pilot Michael Collins, and Buzz Aldrin were about to make history.

These three men accomplished what others had been dreaming about for centuries and what President John F. Kennedy declared was a national priority during the height of the Cold War. In response to the Soviet Union's stunning surprise with the first manned flight into space, the Americans astonished the world by surpassing the Soviet Union's space program in a few short years. This accomplishment demonstrates the greatness of the American spirit, one based on free enterprise, determination and patriotism.

Mr. Speaker, we should have honored these three men years ago. It has been over 30 years ago since this accomplishment.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROGAN), and I want to commend him at this time as the sponsor, the originator, of this legislation to honor the Apollo 11 astronauts. I would like to thank him on behalf of the entire House for bringing this legislation forward.

Mr. ROGAN. Mr. Speaker, I thank first my good friend from Alabama, the distinguished subcommittee chair, for yielding me this time.

Mr. Speaker, I was 11 years old on July 20, 1969. For anybody of my generation, particularly who was a young person on that date, and who can remember, as I do, sitting in front of a somewhat flickering black and white television to see the grainy image of a human being coming down the ladder of the lunar module and setting foot on the moon, that was an incredible moment, not just in our Nation's history but in the history of all mankind. Because Americans were the ones to first do what people for generations and for centuries and for a millennia had merely dreamed about: Setting foot on the surface of another celestial body.

As the distinguished subcommittee chairman noted, this is about 30 years too late. The Congress of the United States, in 1969, should have taken the step of awarding these three heroes, these three explorers, these three great patriots Congress' highest award, the Congressional Gold Medal, and the time has come to recognize these three extraordinary individuals, Neil Armstrong, Buzz Aldrin, and Michael Collins with this honor. Together, these three pioneers propelled America ahead in the space race. They united a country and a Nation and a world torn in conflict, and inspired future generations to continue the pursuit of space exploration.

Who were these men that did this monumental feat? Neil Armstrong was born on August 5, 1930 in Wapakoneta, Ohio. He received his bachelor's degree in aeronautical engineering at Purdue and a master's degree at USC.

Neil made seven flights in the X–15 program, reaching an altitude of over 207,500 feet. He was then the backup command pilot for Gemini 5. He was the command pilot for Gemini 8. He was the backup command pilot for Gemini 11 and the backup commander for Apollo 8. And, finally, the reason we are here today, he was the commander of the epic Apollo 11 flight on that day in July, 1969.

Following the mission, Neil worked as Deputy Associate Administrator for Aeronautics at NASA. He then became professor of aeronautical engineering at the University of Cincinnati. He served on the National Commission on Space from 1985 to 1986, and on the Presidential Commission on the Space Shuttle Challenger Accident in 1986.

Buzz Aldrin, the second man to walk on the moon, was born in 1930 in Montclair, New Jersey. He received his bachelor's degree at the U.S. Military Academy in 1951 and a Ph.D. in astronautics at MIT in 1963. Buzz's study of astronautics contributed to the perfection of space walking.

His spaceflights included also piloting a Gemini 12 mission in 1966, and piloting the Apollo 11 lunar module in 1969. Buzz was backup pilot for Gemini 9 and backup command module pilot for Apollo 8.

He resigned from NASA in 1971 to become Commandant of the Aerospace Research Pilot's School at Edwards Air Force Base.

Buzz retired from the Air Force in 1972 and became a consultant. Currently he resides in Southern California and lectures and consults on space sciences with Starcraft Enterprises. He has authored two books, Return to Earth and Men From Earth.

The third member of that historic mission, Michael Collins, was born in 1930 in Rome, Italy. He received his bachelor's degree at the U.S. Military Academy in 1952.

He piloted the Gemini 10 space flight in 1966. He served as a command module pilot for Apollo 11 in July 1969. Mike also served as backup pilot for Gemini 7 and pilot for Gemini 10. He had been assigned to Apollo 8 but was removed to undergo surgery.

He resigned from NASA in 1970 and was appointed Assistant Secretary of State for Public Affairs. In 1971, he became Director of the National Air and Space Museum here in Washington, and became Under Secretary of the Smithsonian in April 1978.

Mike retired from the Air Force with the rank of Major General. He later became vice president of the Vought Corporation. He currently heads Michael Collins Associates, a Washington, D.C. consulting firm.

Mr. Speaker, I never dreamed that 31 years ago, as a young boy watching that flickering screen at my Great Aunt Della's house, that I would have the incredible privilege of serving as a Member of this body and sponsoring legislation for our Nation and our Congress to recognize the contribution of these three great heroes. They are Columbus, Galileo, and Lindbergh all rolled into three, the three pilots of Apollo 11. They served our country, they served the cause of peace, and the spinoffs in technology that emanated from that massive Apollo program are being felt every day today in our country, in biotech, in medicine, in health care, in computers. The list goes on and on.

We owe it all to the men and women who put their time and their efforts and their belief into our space program, and that is symbolized in the person of the three men who boarded Apollo 11 on that day, almost 31 years ago, soared off into space, and did as Neil Armstrong proudly proclaimed from the moon, made one small step for man and one giant leap for mankind.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House of Representatives would honor with a Congressional Gold Medal to three American heroes, Neil Armstrong, Buzz Aldrin, and Michael Collins, the crew

of Apollo 11. Together, these three astronauts conquered territory that countless generations of astronomers and philosophers gazed at from afar but considered unconquerable; the surface of Earth's only satellite, the Moon.

On July 20, 1969, President Kennedy's dream of seeing American astronauts exploring the moon became a reality when the brave groundbreaking crew of Apollo 11 landed on the moon's surface and proclaimed to a spellbound America, in the words of Neil Armstrong, ''One small step for man, one giant leap for mankind.'' By awarding them with a Congressional Medal, we honor their bravery and valor and their major contributions to humankind's greatest technological achievement: sending humans into outer space to set foot on a celestial body outside Earth.

The Apollo 11 landing ushered in a new era of space exploration, thereby contributing to the advancement of scientific inquiry and the improvement of the human condition. We owe much of NASA's and the United States' space program's current success to the pioneering efforts of the Apollo 11 crew. Our now routine space shuttle flights and the scientific experiments in weightlessness that they have facilitated are a direct outgrowth of the Apollo 11 mission to the Moon.

Many of us recall that July day in 1969, when the Apollo 11 crew mesmerized the Nation and the world as they took that historic leap for humankind. As the entire Nation watched their television sets in amazement, the Apollo 11 crew undertook their simple mission of performing a manned lunar landing, collecting lunar samples, and returning to Earth with utmost professionalism and care. It was a greater success than anyone could have hoped for, not to mention a major milestone in human history. And the successful mission will forever remain etched in our collective conscience as a national symbol of our unity.

Mr. Speaker, I strongly support this long overdue honor to the crew of Apollo 11, three great American heroes who will forever remind us of the greatness of our country's pioneering spirit.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. KUYKENDALL), who has in his district the headquarters of the U.S. Space and Missile System Command.

Mr. KUYKENDALL. Mr. Speaker, I, like one of the earlier speakers, can sit back and remember what I was doing that night. For me, it was in the evening, as I recall, and I remember laying on the floor over at my girlfriend's apartment. She and her mother were sitting there; and we were watching that on television, watching these three pioneers, three people that nobody really knew who they were other than they were astronauts. But here we were watching on TV what they were doing, landing on the moon. I remember I was almost more astounded at the fact that I could watch them do it than I was that we technologically had figured out how to send them there and bring them back in one piece.

That was during a time of strife in our Nation. In my case, I was en route to Vietnam. Yet here was an action taken by three heroes who stepped up, and when they made that trip the whole country could focus on them. The whole country could. It did not make any difference whether a person was for or against that war, or whether they were involved in college or whether they were a little kid or an elderly member of our society, everybody watched. Everybody did.

We all remember what we were doing that night, what we were doing when these three men soared away and they stepped down off of that module and we could see the dust kind of kick up from his steps on the moon. There are footprints up there that will be there for eternity because of what these three men did. I think we all will remember that as probably the most important thing many of us have ever watched on TV.

We soared above any strife we had in our country, and that was the power of that mission. Not only did we prove our dominance to the world, as far as technologically being able to accomplish it, but we proved to ourselves as a Nation that, even in the midst of this terrible war we were in, we could coalesce behind a cause that would better this place we live in and expand our horizons as Americans to look for in the future.

I am pleased to be here supporting and recognizing their actions. This is one of the best things we can do as a country.

Mr. LAFALCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today in support of H.R. 2815, a bill to award the Congressional Gold Medal to Neil Armstrong, Buzz Aldrin, and Michael Collins, the crew of Apollo 11.

When a young president named John Kennedy described his vision in 1961 of landing a man on the moon, he encountered many skeptics. Some said it could not be done; others said it would cost too much money. But when I watched Neil Armstrong take his first step on the moon 8 years later, I knew that the naysayers were wrong, and so did my high school students, who huddled around that television set we have heard about on that unforgettable day.

□ 1515

I saw the gleam in their eyes that inspired them to become our future engineers and scientists.

The Apollo 11 lunar landing is one of the events in American history that stands out as a moment that connects every American who was alive in July of 1969. Six hours after landing on the surface of the moon on July 20, with less than 30 seconds of fuel remaining, Commander Neil Armstrong took the ''one small step for man, one giant leap for mankind'' when he stepped off the lunar module onto the surface of the Moon.

Minutes later, joined by Buzz Aldrin, the two astronauts spent a total of 21 hours on the lunar surface. After their historic walk on the Moon, they successfully docked their lunar module with the command module, piloted by fellow astronaut Michael Collins, who made the mission possible by providing the crucial communications link between the Moon and the Earth.

Public opinion polls, the universal tool of politics today, tell us that the lunar landings are seen by Americans as one of the greatest achievements during that century, on the level of winning World War II. Together, these men propelled America ahead in the space race, united a country torn over the conflict in Vietnam, and inspired future generations to continue the pursuit of space exploration.

The time has come to recognize these three extraordinary individuals, Neil Armstrong, Buzz Aldrin, and Michael Collins, with the Congressional Gold Medal. And here we are, 31 years after Apollo 11, nearing the completion of the construction of the International Space Station, having seen a remarkable record of NASA accomplishments, the first space plane, the space shuttle, capable of carrying a crew and payload into space to do research, new wing designs for civilian aircraft, a revolution in Earth science as we have begun to recognize the need to understand the changes occurring in the Earth's lands and oceans and atmosphere and new views of the universe.

Space exploration has evolved over the past 30 years to more than just romantic notions of collecting Moon rocks and taking pictures of other planets in our solar system, and now is the time to award a Congressional Medal to three individuals who contributed to our Nation's knowledge of space.

Mr. LAFALCE. Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on July 20, 1969, after a 4-day trip, the three Apollo astronauts arrived on the surface of the Moon. Upon arriving, Armstrong announced ''Houston, Tranquility Base here. The Eagle has landed.''

These words ushered in a new era of human exploration as the first man

flight to the Moon touched down with less than 40 seconds of fuel remaining in its tanks. The astronauts had managed to make one last-minute maneuver to avoid landing on a field of boulders and a large crater, demonstrating the importance of manned space flight, the human ability to adapt to demanding circumstances.

After hours of exploring and experiments and those famous words ''one small step for man, one giant leap for mankind'' uttered by Neil Armstrong, the astronauts left a plaque stating: ''Here men from the planet Earth first set foot upon the Moon July 1969, A.D. We came in peace for all mankind.'' The plaque was signed by Armstrong, Collins, Aldrin, and President Richard Nixon.

The final phase of President Kennedy's challenge was realized on July 24, 1969, when these three astronauts safely returned to Earth, splashing down aboard the Columbia, 812 nautical miles southwest of Hawaii. Prior to splashdown, Buzz Aldrin summarized their magnificent accomplishments with these words: ''We feel this stands as a symbol of the insatiable curiosity of all mankind to explore the unknown.''

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON), my good friend.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I commend the author of this piece of legislation, the gentleman from California (Mr. ROGAN).

Landing on the Moon has been considered to be the crowning achievement of the 20th century. I am proud to say that, in my congressional district, Kennedy Space Center was the departure point for this incredible adventure.

On July 20, 1969, the culmination of man's dream to go to the Moon was realized. For the first time, people were taking their first steps on a new world. America led the way and showed the world how a republic can harness its power for scientific and peaceful purposes.

Thirty years ago, American know-how and technology and its technological might was demonstrated in a way that benefited every human on the planet. Thirty years ago, we aimed higher than ever and accomplished that goal.

The names Michael Collins, Buzz Aldrin, and Neil Armstrong will forever be etched in the edifice of human history next to the names of Columbus and Lindbergh.

We all know by heart the phrases oft repeated this afternoon, ''The Eagle has landed'' and ''That's one small step for man, one giant leap for mankind.''

Every one of us who was of age at the time can recite to our children and grandchildren where we were at that historic moment. The magic of television helped take the whole world on that most fantastic of voyages. We all thought that by now, in the year 2000, we would have bases on the Moon and people on Mars. Sadly, we are not at that point.

And it is even more sad that today we will be taking up the funding bill for NASA, the VA–HUD bill, and there will again be attempts by some to cut our investment in the space program, keeping us further bound here on Earth.

Our efforts into space have an uncanny ability to unite all peoples and excite the imagination like nothing else, particularly the imagination of our young people. We should be proud of our space program and continue to support it to the fullest extent possible, supporting this effort to award these three historic pioneers in this very, very appropriate way.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank my colleague, the chairman, for yielding me the time. I want to also congratulate the gentleman from California (Mr. ROGAN), my friend, for moving forward with this important legislation to finally present our Apollo 11 astronauts Neil Armstrong, Buzz Aldrin, and Michael Collins with a much deserved Congressional Gold Medal.

I am particularly interested in this legislation because it involves a constituent of mine, a friend of mine and a neighbor of mine, Neil Armstrong, who inspired all of us by becoming the first person to set foot on the Moon.

Facing tremendous personal risks and very difficult technological challenges, Neil Armstrong and his fellow astronauts left an indelible impression on those of us on Earth. And the Apollo mission will certainly go down as one of the most memorable achievements of the 20th century.

I certainly remember it. I was a 13-year-old exchange student living with a family outside of Malmo, Sweden. We all crowded around a TV set in an apartment complex outside of Malmo that night. I was the only American in the apartment complex. But we all watched it, as citizens of the world, to watch that memorable mission. And the success of it when we heard ''the Eagle has landed'' was the cause for celebration and applause. I remember it well.

Neil Armstrong has certainly compiled a remarkable record of legacy of service to our Nation as a fighter pilot, as an astronaut, a test pilot, a NASA official, a scientist, a teacher, and now a successful businessman. And although his name has been forever linked with that historic Apollo 11 mission and his famous words announcing ''a giant leap for mankind,'' Neil Armstrong has never sought the limelight and he has never exploited his fame for personal gain.

Instead, he has quietly and effectively found ways to give back to others. He has helped NASA in their space program. He has worked with another famous Cincinnatian, Dr. Henry Heimlich, to develop a miniature heart-lung machine, the forerunner of the modern Micro Trach machine that is used to deliver oxygen to patients.

He has become a civic leader in greater Cincinnati, including enriching our community as chairman of the board of the Cincinnati Museum of Natural History, where he led the successful effort to give the museum a rebirth in its new home at our Union Terminal.

Neil also owns a small farm in Warren County, Ohio, outside of Cincinnati; and there he has been an active participant in civic activities. He has assisted with the annual Warren County Fair livestock auctions to support local 4–H programs. He has participated in local Boy Scouts troops. He has worked with other community leaders to establish an impressive YMCA, called the Countryside YMCA, outside of Lebanon, Ohio. And, yes, he has even helped coach the high school football team. This is the Neil Armstrong I know.

Neil Armstrong and the brave men of Apollo 11 deserve this special congressional recognition for the remarkable accomplishments over 30 years ago and their amazing legacy that inspires future generations.

My constituent, Neil Armstrong, also deserves recognition for his continued efforts to make our world a better place.

I urge my colleagues to support the legislation.

Mr. LAFALCE. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) for yielding the time to me.

Mr. Speaker, this is an excellent example of bipartisan cooperation. I want to congratulate the gentleman from California (Mr. ROGAN) for introducing this resolution.

I rise today in support of the resolution to honor three American heroes with the Congressional Gold Medal: Neil Armstrong, Buzz Aldrin, and Michael Collins. They inspired a generation of Americans, and their accomplishment continues to stand as a testament to bravery and determination.

''Houston, Tranquility Base here. The Eagle has landed.'' Almost 31 years ago, these words were uttered and the world was forever changed. Just a few minutes later, Neil Armstrong, commander of the Apollo 11 mission, descended down the ladder of the lunar module and took the first step in the powdery surface of the Moon, the first

person to walk on another world. Shortly after, he was joined on the dusty landscape by the mission's lunar module pilot, Edwin Buzz Aldrin.

The journey began 8 years earlier when President Kennedy issued the decree before Congress: ''I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to Earth.''

America answered the call.

Among the thousands of dreamers who applied for the handful of positions in the newly created astronaut corps were Neil Armstrong, Michael Collins, and Buzz Aldrin. Already brilliant pilots and engineers, these men came to NASA to do a job as best they could.

Neil Armstrong served in 78 combat missions in Korea for the Navy before joining NASA in 1955 in the high-speed flight research program. He participated in cutting-edge flight tests, pushing the envelope to go faster and higher. He was selected in the second group of astronauts and commanded the Gemini 8 mission, which first accomplished the task of docking with another spacecraft in orbit. The lunar missions would have been impossible without the ability to perform this task.

□ 1530

Buzz Aldrin was also a combat pilot in Korea. He graduated from West Point third in his class before receiving his commission in the Air Force. He attended MIT, receiving a doctorate after completing his thesis concerning guidance for manned orbital rendezvous. He flew as the pilot of the Gemini 12 mission, setting the record at the time for the longest space walk, testing important mobility characteristics of his space suit, essential for future astronauts to walk on the Moon.

Michael Collins also graduated from West Point before receiving his commission in the Air Force. He was a test pilot at Edwards Air Force Base, like Neil Armstrong. He stayed at Edwards as a flight test officer until he was selected as an astronaut. He flew on Gemini 10 which docked with an Agena spacecraft and he successfully used that spacecraft's power to maneuver into a higher orbit and rendezvous with another Agena target space craft. He also conducted two space walks.

These three men were already heroes when they were selected to be astronauts for the Apollo 11 mission. The dazzling success of Apollo 8's 10 orbits around the Moon on Christmas the previous year and the successful tests of the lunar module in Earth's orbit on Apollo 9 and in lunar orbit on Apollo 10 set the stage for the first mission to land on the Moon.

On July 16, 1969, these brave astronauts lifted off the launch pad in Florida aboard a Saturn 5 rocket and began the 4-day journey to the Moon. On July 20, the lunar module Eagle left Michael Collins behind in the command module Columbia and began its descent to the lunar surface. Missing the landing site, it took all the courage, determination and skill of the astronauts to set the Eagle safely in the ground in the Sea of Tranquility with only a few seconds of fuel left.

It was their ability and their bravery that saw America accomplish its dream. The work of thousands of people culminated in those few moments of suspense just before the Eagle touched down. Many words can be said to express the grandeur of the moment but just a few hours later, Neil Armstrong said it best: ''That's one small step for man, one giant leap for mankind.'' One small step for men and women, one giant leap for people.

Mr. LAFALCE. Mr. Speaker, this past Sunday was Father's Day. Yesterday we passed a resolution honoring fatherhood.

It is my pleasure to yield 3 minutes to the gentleman from Texas (Mr. BENTSEN) the father of young Meredith Bentsen who is present today.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of this bill. I can remember 31 years ago at the time that this event occurred, it was a typical steamy Saturday afternoon in the summer in Houston. As a young boy as we often did on Saturday afternoons, we were at a movie. I do not remember the title of the movie. As I recall I think it was about a tidal wave hitting an island. Anyway, it was a great action film that young boys and girls would like at the time. I can remember they stopped the film and they said, ''Apollo 11 has landed on the Moon.'' It was the most amazing event for a young boy and my friends and I sitting there to see that this had happened. This was the crowning event of our childhood, to grow up in Houston with the Johnson Space Center right there, and we had all visited it as children in school, that this really showed that America could do something if America wanted to do something. It was under the guise of NASA but also these three astronauts, Neil Armstrong, Buzz Aldrin, and Michael Collins, who instantly became American heroes, particularly to this young Houston boy at that time.

I want to commend my colleague from California for having the foresight to introduce this bill. I am not going to add to what has already been said. But as a native Houstonian, I am particularly proud to have had the opportunity and now as a Representative for part of Houston to be able to speak in favor of this bill and vote in favor of it.

Mr. LAFALCE. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. BACHUS).

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the gentleman from Alabama will control 5 additional minutes.

There was no objection.

Mr. LAFALCE. Mr. Speaker, I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I thank the gentleman from New York (Mr. LAFALCE) for yielding me the time. Let me say before I yield that time to another speaker that I am wearing a Father's Day gift from my oldest son. I am sure my colleagues have been admiring it and his good taste.

Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from California (Mr. COX) who has in his district Buzz Aldrin as a constituent.

Mr. COX. Mr. Speaker, I too am pleased to rise in strong support of this resolution which will present the Congressional Gold Medal to the three astronauts who flew in the historic 1969 Apollo 11 mission. I want to congratulate the gentleman from California (Mr. ROGAN) for bringing this to the floor and to the attention of the Nation. Those three men who first set foot on the Moon's surface and flew to the Moon, Neil Armstrong, Buzz Aldrin, and Michael Collins, stand out as heroes to us now and in even greater relief after the passage of so many decades.

We are now in a new century. We can look back to the events of the mid-20th century and see what were the great events and what were the minor ones. This is truly an outstanding achievement not only of the 20th century but of all time. So it is appropriate that we are here today to recognize and honor these three American heroes.

These men were tasked with a mission that was never before attempted by men or women. They participated in a space program that was then and is now still fraught with danger. My brother-in-law, Mike Gernhardt, is an astronaut. I have had the opportunity to watch him go up on the space shuttle more than once, and even today that is an extraordinarily risky venture. But think what it was like for those first astronauts, think what it was like for the Apollo astronauts and those on the Apollo 11 mission who were supposed to carry out all that had been tested before them.

They proved to the world that we were still a Nation that when it sets its mind to something can do almost anything. With those few minutes of videotape, of Neil Armstrong and Buzz Aldrin skipping across the surface of the Moon and planting the American flag, confidence in American ingenuity was reborn. Landing on the Moon may have been an American feat, but more than that it was a pioneering event for the entire world, an achievement of humanity, and it opened to the entire world a whole new realm of possibilities.

As was mentioned, I have had the privilege of representing Buzz Aldrin as a constituent. I would like to say a few words in particular about him. Buzz's

own life can be best illustrated by his impressive resume and his dedication to government service. He was a graduate of West Point. He distinguished himself flying combat missions in the Korean War. After his military service, he earned an advanced degree from the prestigious Massachusetts Institute of Technology. He then returned to serving his country when he piloted one of the first manned rockets into space before joining NASA and the Apollo program.

Although it is hard to eclipse being one of the first men to set foot on the Moon, Buzz has continued to contribute to the advancement of space exploration and become a nationally recognized advocate for the space program. Even today, he earns national attention for his humanitarian efforts and his efforts with Sharespace, an organization which advocates human space travel. It is Buzz's notion that we can raise money for the space program by letting Americans participate in the opportunity to be in space. He is convinced that someday soon, sooner than later, that will be a real opportunity for ordinary Americans. But it is not just Buzz Aldrin, it is each of these three men, Neil Armstrong, Buzz Aldrin, and Michael Collins that deserves the recognition that Congress is seeking to bestow upon them today.

I urge my colleagues to support this important legislation to present the Congressional Gold Medal to the three astronauts who flew in the historic 1969 Apollo 11 mission.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Today we not only honor the three astronauts, we also honor those other heroes at NASA, for their achievement is a tribute to the thousands of engineers, scientists and others at NASA whose extraordinary efforts made the journey possible. It is fitting that we do so this year as we begin both a new century and a new millennium. America again faces new and bold challenges both in space and here on Earth. As we do so, the ingenuity, courage and determination shown by the astronauts can be our guide. Their love of freedom and pursuit of knowledge for the betterment of all mankind symbolizes the greatness of America.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROGAN), the sponsor of the bill.

Mr. ROGAN. Mr. Speaker, I thank my friend and colleague for yielding me this time. I also want to thank the distinguished ranking member and all of my colleagues for their support in this most worthy legislation and for their comments today.

We have spent the last few minutes reflecting upon the feat of the Apollo 11 astronauts that occurred 31 summers ago. Yet their greatest gift to mankind was not the footprints they left behind on the Moon. Their greatest gift was what they brought home. They brought home a limitless concept of what Americans are capable of doing and a limitless potential of what sheer imagination can bring. Their bravery, their humility, and their contribution to man has brought unending honor to our people and to our Nation. And now it is the day and the time for the Congress on behalf of the American people to honor them in this most appropriate manner.

I urge adoption of this resolution. I once again thank both the chairman and the ranking member for their graciousness in supporting this.

Mr. BACHUS. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, Buzz Aldrin and I went through flying school together. I just want to make that comment. He is a true American hero. Probably a little known fact about him is his mother's name was Moon. Quite a coincidence. He graduated from West Point with honors, third in his class, but just to show how really smart he is, he ended up in the Air Force. I could not resist that.

He is working on a spacecraft system now that would make perpetual orbits between Earth and Mars. I hope Members will join me in honoring these three American heroes.

Buzz Aldrin is a true American hero. A perhaps little-known fact about Buzz is that his mother's maiden name was Moon. Quite a coincidence. But Buzz Aldrin was a great patriot long before he ever set foot on the moon!

He graduated from West Point with honors in 1951, third in his class. And to show you just how smart he really is, he ended up in the Air Force after West Point.

I first met Buzz Aldrin when we were in flying school together in 1951 in Bartow, Florida. And we were sent off to fight in Korea together. Buzz flew 66 combat missions in Korea as part of the 51st fighter interceptor wing, where he shot down 2 MiG–15s.

Buzz earned his doctorate in astronautics from the Massachusetts Institute of Technology and the manned space rendezvous techniques he devised were used on all NASA missions, including the first space docking with Russian cosmonauts.

Buzz was selected as one of NASA's original astronauts in October of 1963. And on July 20, 1969, the world watched in amazement as Apollo 11 touched down on the moon and Buzz Aldrin became the 2nd man to set foot on another world.

I was in solitary confinement in a Vietnam prison with no news from the outside world. But, Buzz Aldrin, paused to remember me that day. He took a POW bracelet with my name on it and an American flag to the moon to remember all the prisoners of war in Vietnam. And we will never forget that, Buzz.

You would think that after a man walks on the moon, he could sit down and rest for awhile.

But not Buzz Aldrin. Today, having retired from NASA, from the Air Force as a colonel, and from his position as commander of the test pilot school at Edwards Air Force Base, he is still working tirelessly to ensure a leading role for America in manned space exploration.

He is working on a spacecraft system that would make perpetual orbits between Earth and Mars.

Buzz has received numerous awards and medals, including the Presidential Medal of Freedom, the highest honor our country bestows.

So, I believe this Congressional Medal of Honor is long overdue for my friend Buzz Aldrin and other Apollo 11 astronauts—Neil Armstrong and Michael Collins.

I hope you will join me in honoring these three American heroes.

Mr. SENSENBRENNER. Mr. Speaker, I'm honored and excited to join Congressman JIM ROGAN and my colleagues today in authorizing the President to present astronauts Neil Armstrong, Buzz Aldrin, and Michael Collins—the crew of the historic Apollo 11 mission—with a congressional gold medal. As a cosponsor of this legislation and as Chairman of the House Science Committee, I have observed how these three leaders of America's space program continue to inspire generations of Americans to dream beyond Earth and entertain the infinite possibilities of space exploration.

I doubt any American alive on that memorable day in late July of 1969—the 20th to be exact—will ever forget the image of Neil Armstrong first stepping foot onto the Lunar surface. Commander Armstrong presciently declared, ''That's one small step for man; one giant leap for mankind,'' and America and the rest of the world watched in awe of the greatest feat in space history.

These men provided courage and service to the U.S. beyond this memorable and daring mission. Mr. Collins co-piloted the Gemini 10 mission and later served as assistant secretary of state for public affairs. Mr. Aldrin flew over 60 combat missions in Korea and survived a 5½ hour space walk on the Gemini 12 mission. Mr. Armstrong left NASA in 1971 but continued his service through the National Commission on Space and helping lead the presidential commission investigating the Challenger explosion.

Mr. Speaker, these outstanding leaders embody the values, principles, and dedication that make our country the greatest in the world. I'm proud to join my colleagues in working to recognize Buzz Aldrin, Neil Armstrong, and Michael Collins with a congressional gold medal on behalf of the Congress and the people of the United States.

Mr. OXLEY. Mr. Speaker, I am honored today to speak in tribute of three of our country's bravest—pioneers who united this nation through their heroic feat: the astronauts of the Apollo 11 mission.

Thirty-one years ago next month, Commander Neil A. Armstrong, Lunar Module Pilot Edwin E. ''Buzz'' Aldrin, Jr., and Command Module Pilot Michael Collins completed what was an almost unthinkable task: a successful manned moon landing. It is often noted that each one of us remembers where we were when Neil Armstrong spoke the words, ''The Eagle has landed.'' Indeed, a part of each of us traveled with these adventurers into space on their record-breaking mission.

I am especially honored to salute the visionary Neil Armstrong, born in Wapakoneta, Ohio, which I am privileged to represent. Wapakoneta boasts the recently renovated Neil Armstrong Air and Space Museum, which has on display various Apollo 11 artifacts, a moon rock, and the Gemini 8 spacecraft Armstrong commanded in 1966.

Mr. Speaker, the accomplishments of these three heroes are too numerous to compile. All three had distinguished military flying careers prior to their NASA days. All three were part of the monumental Gemini program, which saw the first spacewalk by an American and the first docking with another space vehicle. In the heart of the space race, these pioneers set the stage for today's continuing exploration of the new frontier. They conquered the moon despite the many unknown dangers of doing so, and thereby paved the way for NASA's space shuttle program and the International Space Station. Their bravery has inspired thousands of young people around the nation to pursue their hopes and dreams.

Indeed, their bravery cannot be heralded enough. Before the mission, Michael Collins commented: ''I think we will escape with our skins . . . but I wouldn't give better than even odds on a successful landing and return. There are just too many things that can go wrong.'' Despite the obstacles and potentially fatal problems, the Apollo 11 astronauts did achieve a successful landing and return, bolstering the adventurous spirit of all Americans.

Neil Armstrong once noted, ''We were three individuals who had drawn, in a kind of lottery, a momentous opportunity and a momentous responsibility.'' Armstrong, Aldrin, and Collins fulfilled this opportunity with dignity, courage, and honor. It is right that we recognize their supreme accomplishment today by presenting them with a congressional gold medal in commemoration of their sacrifice. They ''came in peace for all mankind,'' as reads the plaque they left on the moon. Their achievements in the advancement of space exploration have revolutionized America, and renewed our sense of unity, pride, and hope for the future.

□ 1545

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 2815.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2815.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

## JOHN BRADEMAS POST OFFICE

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2938) to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the ''John Brademas Post Office''.

The Clerk read as follows:

H.R. 2938

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

(a) IN GENERAL.—The facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, shall be known and designated as the ''John Brademas Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''John Brademas Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2938.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us today, as the Clerk just designated, a bill that will name the facility of the United States Post Office located at 424 South Michigan Street in South Bend, Indiana, as the John Brademas Post Office.

As is the practice under the government reform procedures of this bill, I am proud to state it does carry the cosponsorship of the entire Indiana delegation. Mr. Speaker, as I do on all of these bills, I have had the opportunity to read the real life story of Mr. Brademas, and it is a remarkable one.

I am very proud of the record that the House Subcommittee on the Postal Service has accrued and are working in partnership together. I want to thank certainly the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from Illinois (Mr. DAVIS), a very distinguished Member of that subcommittee, thank the gentleman from Illinois (Mr. DAVIS) for his efforts, not just on this bill, but in all of our work and, of course, for his managing the minority side of the discussion here this afternoon. The ranking member of the full committee, the gentleman from California (Mr. WAXMAN), and, of course, the full committee chairman, the gentleman from Indiana (Mr. BURTON), for what is yet another demonstration of bipartisanship in advancing this bill.

I particularly want to pay tribute to the main sponsor of the bill, the gentleman from Indiana, (Mr. ROEMER) for really his tireless efforts in ensuring that we have this moment today.

As I mentioned, Mr. Brademas has just a remarkable career that expands over so many years, and I do not want to take away from what I expect will be rather thorough comments by the gentleman from Indiana (Mr. ROEMER) to whom I will yield to his side in just a moment. So I will not recount all of the many, many achievements of this distinguished gentleman, but let me say in relationship to the others who have received similar tributes on this House floor, that even by those very, very high standards, Mr. Brademas really excels.

Mr. Speaker, of course he was a colleague and Member of this great body from 1959 to 1981, more than 2 decades, 22 years, in fact, of distinguished service to the people of his district in Indiana and, of course, to the people of this country; and he achieved so much that it is hard to define them all.

Certainly, I think as we take an overview, his efforts on behalf of education particularly stand out. It is a dedication that he brought virtually to every effort that he made, and it is a dedication that predated his time here in Washington and certainly continues even past that to this moment.

I want to say as someone who has the honor of representing one of the districts of New York, we are particularly pleased that we can claim a bit of a piece of Mr. Brademas. Certainly, that becomes possible through his exemplary service as the president of New York University, the largest private university in the United States, where he led that great institution for some 11 years, transforming it from what was then really a regional commuter school into a national and international residential research university.

Even today, he continues to serve as the president emeritus of that great facility and a trustee of the university. As I mentioned, we have before us today a distinguished gentleman, one for whom I think we can all direct a great deal of admiration and from whom we can draw a great deal of inspiration.

Again, to the gentleman from Indiana (Mr. ROEMER), a great deal of thanks for bringing this very, very fine nominee to our attention; and I would certainly encourage all of our colleagues here to support this very, very fine bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Subcommittee on the Postal Service, I am pleased to join my colleague in the consideration of H.R. 2938, legislation designating the United States Postal Service facility located at 424 South Michigan Street in South Bend, Indiana, after the Honorable John Brademas, a former Member of Congress.

H.R. 2938 was introduced by the gentleman from Indiana (Mr. ROEMER) on September the 3, 1999, and reported unanimously from the Committee on Government Reform on September 30, 1999.

This measure is supported and cosponsored by the entire Indiana congressional delegation. Mr. John Brademas was born in Mishawaka, Indiana, in 1927 and graduated from South Bend Central High School in 1945. He joined the Navy and was a Veterans National Scholar at Harvard University from which he graduated in 1949 with a BA magna cum laude and was elected to Phi Beta Kappa.

He was a Rhodes Scholar at Oxford University and received the doctor of philosophy in social studies degree in 1954. Dr. Brademas, the first native born American of Greek origin to be elected to Congress, represented with honor and distinction the 3rd Congressional District of Indiana for 22 years, from 1959 to 1981.

He served on the Committee on Education and Labor and was House majority whip for his last 4 years in Congress. As a Member of the Committee on Education and Labor, Congressman Brademas played a key role in authorizing legislation concerning student financial aid, elementary and secondary education, vocational education and support for libraries, museums and the arts and humanities.

After serving in Congress, Dr. Brademas became president of New York University, the largest private university in the United States, for 11 years, transforming NYU from a regional commuter school into a national and international residential research university. He is currently serving as president emeritus of this university.

Dr. Brademas has been awarded honorary degrees by 50 colleges and universities and serves on numerous boards of nonprofit and for-profit organizations. The gentleman from Indiana (Mr. ROEMER) is to be commended for seeking to honor the caliber of a man such as former Congressman John Brademas.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend from Illinois (Mr. DAVIS) for yielding me the time and for his kind comments about our colleague, Mr. Brademas. I want to thank also the gentleman from New York (Mr. MCHUGH), from the great State of New York, for his help in putting up with my tireless efforts and helping us pass this legislation here today.

I want to thank the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from Indiana (Mr. BURTON), the gentleman from California (Mr. WAXMAN), and special gratitude goes to the entire Indiana delegation, who not only agreed to cosponsor this legislation, but also to help push this legislation and see the success that we have today. I also want to thank all nine of the other members of the Indiana delegation for their help.

I am joined today by a distinguished Member, the gentlewoman from Indianapolis, Indiana (Ms. CARSON), who also will say some words about John Brademas.

Ms. CARSON. Mr. Speaker, I am honored to rise in support of H.R. 2938, a bill I introduced several months ago to designate the United States Post Office located at 424 South Michigan Street in my hometown of South Bend as the John Brademas Post Office.

John Brademas is one of the most distinguished people to serve in Congress from the 3rd Congressional District of Indiana, as a matter of fact, from the State of Indiana and probably in the country. While John Brademas was serving in the House, I briefly worked as a staff assistant in his congressional office. His guidance has been a constant source of inspiration to me, and I have always tried to serve in Congress with the same degree of honor and integrity and respect for the institution and the office to which I have now served and which John Brademas served for 22 years.

John Brademas helped teach me the importance of family and community and the value of public service. John Brademas graduated from South Bend Central High School in 1945. After service in the U.S. Navy, he was a Veterans National Scholar at Harvard University from which he graduated in 1949 with a Bachelor of Arts. He also served as executive assistant to the late Adlai Stevenson in 1955 and in 1956.

Dr. Brademas was in charge of the research on issues during that 1956 presidential campaign. Three years later, he was elected to the U.S. House of Representatives for the 3rd district of Indiana.

Over the years, John Brademas has made numerous enduring contributions for the great State of Indiana and for our Nation. His accomplishments and contributions are as impressive as they are numerous. As those of us who served with John know, he was for 22 years a particularly active member of the Committee on Education and the Workforce, where he earned a highly distinguished reputation for his leadership in promoting education.

He also worked tirelessly in support of landmark legislation, such as the Higher Education Acts of 1972 and 1976, which cleared the way for more Americans to gain access to financial aid. Dr. Brademas was also the primary sponsor of legislation improving elementary and secondary education, vocational education, as well as services for the elderly and the handicapped.

Following his retirement from Congress, Dr. Brademas served by appointment of the House Speaker Tip O'Neill on the National Commission on Student Financial Assistance and chaired its Subcommittee on Graduate Education. Upon leaving Congress, John Brademas became president of NYU, New York University, our Nation's largest private university, a position in which he served for 11 years.

In 1984, he initiated fund-raising campaigns that produced a total of $1 billion over 10 years. The New York Times headline from that time read, ''A decade and a billion dollars put New York University in first rank.''

Now, president emeritus, Dr. Brademas is also chairman, by appointment of President Clinton, of the President's Committee on the Arts and Humanities. In 1997, this committee released Creative America, a report to the President recommending new and innovative ways to strengthen support and improve on private and public education for these two fields.

In addition to his responsibilities at NYU, Dr. Brademas is currently the chairman of the board of the National Endowment for Democracy and serves on the Consultants' Panel to the Comptroller General of the United States.

□ 1600

I am proud to sponsor this bipartisan legislation, and am pleased that all 10 members of the Indiana delegation of the House of Representatives are original cosponsors.

This measure is a fitting tribute to one of the great leaders and educators to have served in Congress, and I strongly encourage my colleagues to support H.R. 2938.

Mr. ROEMER. Mr. Speaker, I am honored to rise in support of H.R. 2938, a bill I introduced with the entire Hoosier delegation to designate the United States Post Office located at 424 South Michigan Street in my hometown of South Bend, Indiana, as the ''John Brademas Post Office.''

John Brademas is one of the most distinguished predecessors as the U.S. Representative in Congress of the Third Congressional District of Indiana. While John Brademas was serving in the House, I worked as a staff assistant in his congressional office. In that time, I learned a great deal from him about the importance of family and community and the value of public service. His guidance has been

a constant source of inspiration to me, and I have always tried to serve in Congress with the same degree of honor and respect for the institution and the office to which I was elected.

John Brademas graduated from South Bend Central High School in 1945. After service in the U.S. Navy, he was a Veterans National Scholar at Harvard University from which he graduated in 1949 with a Bachelor of Arts, magna cum laude and was elected to Phi Beta Kappa. He wrote his doctoral dissertation at Oxford University, where he was a Rhodes Scholar. As Executive Assistant to the late Adlai Stevenson in 1955–56, Dr. Brademas was in charge of research on issues during the 1956 presidential campaign. Three years later, he was elected to the U.S. House of Representatives to represent Indiana's Third Congressional District.

Over the years, John Brademas has made numerous enduring contributions for the great state of Indiana and our Nation. His accomplishments and contributions are as impressive as they are numerous. As those of you who served with John Brademas know, he was for 22 years (1959–1981), a particularly active member of the Committee on Education and Labor, where he earned a highly distinguished reputation for his leadership in promotion education. He also worked tirelessly in support of landmark legislation such as the Higher Education Acts of 1972 and 1976, which cleared the way for more Americans to gain access to student financial aid. Dr. Brademas was also the primary sponsor of legislation improving elementary and secondary education, vocational education, as well as services for the elderly and handicapped. I am very proud to follow John Brademas' as a member of the same committee, now known as the Committee on Education and the Workforce. He served his last four years in the House as the Chief Majority Whip.

Following his retirement from Congress, Dr. Brademas served, by appointment of House Speaker Thomas P. "Tip" O'Neill, Jr., on the National Commission on Student Financial Assistance and chaired its Subcommittee on Graduate Education. In 1983, the Commission approved the Subcommittee's study, Signs of Trouble and Erosion: A Report of Graduate Education in America. Upon leaving Congress, John Brademas became president of New York University, our nation's largest private university, a position in which he served for 11 years (1981–1992). During that time, Dr. Brademas led the transition of NYU from a mostly regional school to a national and international residential research university.

In 1984, he initiated a fundraising campaign that produced a total of $1 billion over ten years. The New York Times headline from that time read, "A Decade and Billion Dollars Put New York University in [the] First Rank." Now president-emeritus, Dr. Brademas is also chairman, by appointment of President Clinton, of the President's Committee on the Arts and the Humanities. In 1997, this committee released Creative America, a report to the President recommending new and innovative ways to strengthen support, private and public, for these two fields.

In addition his responsibilities at NYU, Dr. Brademas is currently the chairman of the board of the National Endowment for Democracy and serves on the Consultants' Panel to the Comptroller General of the United States. He is co-chairman of the Center on Science, Technology and Congress at the American Association for the Advancement of Science. He earlier served on the Carnegie Commission on Science, Technology and Government and chaired its Committee on Congress.

I am proud to sponsor this bipartisan legislation and am pleased that all ten members of the Indiana delegation in the House of Representations are original cosponsors of the bill. This measure is a fitting tribute to one of the greatest leaders and educators to have ever served in Congress. I strongly encourage my colleagues to support H.R. 2938.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I certainly thank the distinguished gentleman from Illinois (Mr. DAVIS), as well as the gentleman from New York (Mr. MCHUGH).

Mr. Speaker, I rise today to reiterate my support for the designation of the South Bend Post Office in honor of a former colleague, Mr. John Brademas.

Throughout the 22 years Mr. Brademas' devoted to representing Indiana's Third District in the United States Congress, his demonstrated commitment to improving our country's education system was extremely significant. As former House Majority Whip and a former member of the Committee on Education and Labor, Mr. Brademas led the efforts to enact much of the legislation regarding education produced during his tenure in Congress. The State of Indiana is quite proud to have been represented by a man of such distinction and intellect.

After his Congressional service, Mr. Brademas led New York University as its president from 1981 to 1992 and was appointed by President Clinton to chair the President's Committee on the Arts and Humanities in 1994.

Mr. Speaker, I strongly support this measure that will honor a very accomplished former Member and will make tangible our appreciation for his tireless commitment to serving the public.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that we have had this matter before us today for consideration. Certainly again I commend the gentleman from Indiana (Mr. ROEMER) for giving us the opportunity to pay tribute to such an outstanding American.

Mr. Speaker, I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, briefly and in closing, let me add my words to that of the gentleman from Illinois (Mr. DAVIS) and thanks to the gentleman from Indiana (Mr. ROEMER), and, as the gentleman so graciously noted too, his colleagues within the Indiana delegation, for providing us with this opportunity.

As we have certainly heard here today, this nominee, I think, demonstrates the kind of achievement, the kind of devotion and dedication that should make all of us very proud for this moment and this opportunity to extend to him a very deserving recognition.

Mr. Speaker, I am proud as well of the initiative and the efforts of all of the Members of this body to take ourselves into sometimes unchartered water. However, I would note on occasion it is worthy and I think comforting to note that we follow others.

I think it is significant as sort of a capstone to the very gracious things rightfully said about Mr. Brademas, that over the course of his very distinguished career and lifetime he has been awarded 50 honorary degrees by distinguished colleges and universities such as the University of Athens; Brandeis; the City College of New York; my father's alma mater, Colgate; the University of Cyprus; Fordham University; the University of Southern California; Indiana University; Notre Dame; and just on and on and on. So we follow perhaps rather well-trod, but I think very, very fine ground here today. I would urge all of our colleagues to support this legislation.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my strong support for H.R. 2938, which will designate a post office in South Bend, Indiana, as the John Brademas Post Office.

I had the honor of serving with John Brademas from 1965 through 1976. We served together on the Education and Labor Committee, and I remember well his leadership in developing legislation to improve education, to provide services for the elderly and handicapped, to support libraries, museums, the arts, and humanities, and to help develop early childhood education.

Dr. Brademas was a major sponsor of the Higher Education Acts of 1972 and 1976, which greatly expanded college opportunities by strengthening student financial aid. He was the chief House sponsor of the Education for All Handicapped Children Act, the Humanities and Cultural Affairs Act, the Arts and Artifacts Indemnity Act; the Older Americans Comprehensive Services Act; and the Museum Services Act, which created the Institute of Museum Services. The impact of his vision and leadership in education, culture and the arts, and seniors issues is evidenced by the centrality of these programs in the work of the Education Committee a quarter century after he left the Congress.

John Brademas served as chair of the Education Subcommittee which heard countless witnesses on the subject of comprehensive early childhood education. This was an area of my greatest personal interest and priority. In fact, Congress passed such a bill in 1972, which was vetoed by President Nixon. Since that time, Congress has failed to legislate in this critical area.

I also remember John as a valued mentor and friend. His integrity, his dedication to providing America's children and young people with the best possible educational opportunities, and his concern for the most vulnerable members of our society—children, the disabled, the elderly—were deeply inspiring to me.

After leaving Congress, Dr. John Brademas further distinguished himself as president of New York University from 1981 to 1992. Under his leadership, New York University went from being a regional commuter school to a national and international residential research university. Dr. Brademas is currently president emeritus of NYU, chair of the President's Committee on the Arts and Humanities, co-chair of the Center on Science, Technology and Congress, and board member of Americans for the Arts, Kos Pharmaceuticals, Loews Corporation, Oxford University Press-USA, and Scholastic, Inc. He is also chair of the Board of the National Endowment for Democracy and serves on the Consultants' Panel to the Comptroller General of the United States.

The people of the Third District of Indiana can be justly proud of this great man whose legacy deserves to be memorialized in the designation of The John Brademas Post Office.

Mr. MCHUGH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 2938.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules. Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4601, by the yeas and nays; and

H.R. 3859, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## DEBT REDUCTION RECONCILIATION ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R 4601, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 4601, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 5, not voting 10, as follows:

[Roll No. 296]

YEAS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Cardin
Nadler
Oberstar
Sabo
Thurman

NOT VOTING—10

Campbell
Cook
Davis (VA)
Emerson
Ewing
Klink
McCollum
McIntosh
Roybal-Allard
Vento

□ 1626

Mr. SABO changed his vote from ''yea'' to ''nay.''

Messrs. PETERSON of Pennsylvania, PORTER, and HINCHEY changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SOCIAL SECURITY AND MEDICARE LOCK BOX ACT OF 2000

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of suspending the rules and passing the bill, H.R. 3859, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 3859, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 2, not voting 12, as follows:

[Roll No. 297]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Nadler
Sabo

NOT VOTING—12

Campbell
Cook
Davis (VA)
Emerson
Ewing
Klink
McCollum
McIntosh
Miller, George
Ros-Lehtinen
Roybal-Allard
Vento

□ 1634

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. ROS-LEHTINEN. Mr. Speaker, on rollcall No. 297, I was unavoidably detained. If present, I would have voted "aye" on rollcall No. 297.

## PERSONAL EXPLANATION

Mr. DAVIS of Virginia. Mr. Speaker, I was unfortunately unable to be here earlier today, and should I have been present, I would have voted in the affirmative on Roll No. 296 for H.R. 4601, the Debt Reduction Reconciliation Act. I would have also voted in strong favor of Roll No. 297 for H.R. 3859, the Social Security and Medicare Lock-Box Act.

## CORRECTION OF PRINTING ERRORS IN HOUSE REPORT 106–645 ACCOMPANYING H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, I rise to make the following statement to correct a printing error in the RECORD.

Mr. Speaker, the report to accompany the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2001, House Report 106–645, includes a printing error. On page 204, roll-call vote number 4, the amendment dealing with ergonomics, under the column for Members voting ''nay,'' there is a name ''Mr. Lextra.''

That name should not be in that column. There is no such person on the Committee on Appropriations or in the House of Representatives.

Under the column for Members voting ''present,'' the name of the gentleman from California (Mr. DIXON) appears. The report the committee filed with the House shows that the gentleman from California (Mr. DIXON) voted ''nay,'' not ''present.'' His name should not have been printed in the ''present'' column but in the ''nay'' column.

Mr. Speaker, I ask unanimous consent that this statement reflecting the accurate vote of the gentleman from California (Mr. DIXON) on the ergonomics issue appear not only in today's RECORD but in the permanent record for the day that this legislation was initially considered, June 8, 2000.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, I would just like to inquire of the gentleman from Florida how many other times has Mr. Lextra voted in this or any other committee, even though he is not a member of the committee and, to my knowledge, is not a Member of the House?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, as the gentleman is well aware, he and I read every word and every comma of each report. I have not seen the name Mr. Lextra ever, and I doubt the gentleman from Wisconsin has.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4635, and that I may be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 525 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4635.

□ 1640

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, June 19, 2000, the amendment offered by the gentleman from California (Mr. WAXMAN) had been disposed of and the bill was open to amendment from page 9, line 1, to page 9, line 3.

REQUEST FOR EN BLOC CONSIDERATION OF AMENDMENTS NUMBERED 40, 28, AND 26

Mr. WALSH. Mr. Chairman, I ask unanimous consent that it be in order at this time that the Ney amendment No. 40, the Guttierez amendment No. 28, and the Tancredo amendment No. 26 be considered en bloc.

I further ask unanimous consent that after disposition of these amendments, that the House return to the reading of the bill on page 9, line 8.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. OBEY. Mr. Chairman, I feel constrained to object to the request at this time.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. WAXMAN. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from California (Mr. WAXMAN) will state his parliamentary inquiry.

Mr. WAXMAN. I have another amendment on the same subject as yesterday, Mr. Chairman, and I would like to inquire if this is the appropriate time in the bill to offer that amendment.

The CHAIRMAN. As the Committee proceeds further on page 10 the gentleman will be in order in the reading, but at the moment another Member of the House, a member of the committee, is seeking recognition to strike the last word.

After that the Clerk will read to the proper point in the bill.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

I am pleased, Mr. Chairman, to see that a number of Members have recognized that the VA medical research account is underfunded in this bill, and that they want to increase this funding through amendments that we are going to consider soon. The chairman and the ranking member have done a good job under tough constraints on this legislation, but this is one item that we really need to tend to here today. I am glad to see that we will have the opportunity to do so.

I have been a strong proponent of VA medical research, and I offered an amendment during the full Committee on Appropriations markup that would have increased that account by $23 million. I want to take just a minute today to explain why I support increasing the VA medical research account and why it is so important for us to find a way of doing so.

The original request from the VA to OMB was to fund the research account at $397 million. Outside supporters of the program believe the program should be funded at $386 million. These recommendations are both well above the current bill's level of $321 million.

Most of us have heard about the Seattle foot, that remarkable artificial limb that has been depicted in television commercials by a double amputee playing pick-up basketball or by a woman running a 100-yard dash. It is not obvious that she has two artificial legs until the camera zooms in at the end of the commercial. The technology for this prosthesis was developed by VA researchers in Seattle.

Research at VA hospitals is important because it is clinical research, mainly. The researcher, who is almost always affiliated with a neighboring teaching hospital, also treats patients, veterans. The VA research program is the only one dedicated solely to finding cures to ailments that affect our veteran population. It is not interchangeable with other research efforts.

At the Durham, North Carolina, VA, which is affiliated with Duke University, there is a great range of research being done, from working to find a cure for AIDS to finding a shingles vaccine to important advances in brain imaging and telemedicine. This work, of course, assists veterans, but it also helps the population at large.

The VA does a great job of leveraging its funds. Dr. Jack Feussner, the director of the VA medical research program, testified that for every dollar of increase that the program has received over the last 5 years, it has received $3 from other sources. Therefore, if we were to add $23 million here today, it could translate into $92 million more for research.

What will these additional funds be used for? Eleven million dollars is needed just to maintain current services, to keep up with medical inflation. Another $12 million could be used for any number of research projects.

The VA is starting a research oversight program vital to the integrity of the human-based research programs. It could be a model for other federally-assisted research. This program needs $1 million.

To bring the program back to the high water mark of 1998 would take $43 million. Dr. Feussner has listed four areas that would benefit particularly from additional research dollars: Parkinson's Disease, end-stage renal failure, diabetes, and Post-Traumatic Shock Disorder. Additional research into the treatment and cure for hepatitis C would also be looked at carefully.

□ 1645

We also need to increase the commitment to training the next generation of clinician and nonclinician investigators. To keep that program on track would take an additional $10 million.

Now, Mr. Chairman, difficult decisions will need to be made on these upcoming amendments, and there are several of them. They all offer an offset of some sort. Most of the offsets I would not support if they stood alone. But the overall allocation for our VA–HUD subcommittee is just not sufficient, and these difficult trade-offs must be made.

I am hopeful that, at the end of this process, an additional allocation will be available and that we will be able to fund VA medical research at close to $386 million and that any offsets that we adopt can largely be restored. However, it is very important to raise the appropriations level here today for medical research before this bill goes any farther in the appropriations process.

I hope this is helpful, this overview of how these monies might be spent and why we need them. Additional funding for VA research will benefit our veterans and our country, and I hope Members will pay attention closely to the arguments on the amendments to follow.

The CHAIRMAN. Are there further amendments to this section of the bill?

AMENDMENT NO. 20 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. FILNER:

Page 9, after line 3, insert the following:

In addition, for ''Medical Care'', $35,200,000 for health care benefits for Filipino World War II veterans who were excluded from benefits by the Rescissions Acts of 1946 and to increase service-connected disability compensation from the peso rate to the full dollar amount for Filipino World War II veterans living in the United States: *Provided,* That the Congress hereby designates the entire such amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order.

The gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Chairman, I have an issue which has been before this House before, an issue of, I think, great moral urgency but financially responsible; and that is to right a wrong that was committed in this country by the Congress of 1946, which took away the veterans' benefits that had been promised to our Filipino allies who were drafted into World War II, fought bravely at Corregidor and Bataan. Many died. But were ultimately extremely helpful, if not responsible, for our slowing up of the Japanese advance and then our ultimate victory in the Pacific.

What we did do to these brave men was to take away their benefits after the war, and they have yet to be recognized in this way. Many are in their late 70s and early 80s. Many will not be here in a few years. I think this is an emergency item that ought to be considered by this House.

My amendment would provide $35,200,000 for health care benefits to these veterans of World War II. This is the benefit that they need the most in their twilight years.

Like their counterparts, they fought as brave soldiers. They helped to win the war. Many of them marched to their deaths, in fact, in the famous Bataan death march. Yet we rewarded them by taking away their benefits. We owe them a fair hearing. We owe them the dignity and honor of considering them veterans. My amendment would restore just some of those benefits to these veterans.

I think all of my colleagues know that veterans are entitled to, under certain conditions provided by law, certain preventions and certain medical care. But this amendment divides the benefits from the pensions from the medical benefits and says let us at least now, within our budget means, give health care to those brave Filipino soldiers.

My amendment would make available monies for care in this country, a small portion also for our VA clinic in Manila to serve the Filipino World War II veterans and U.S. citizens there alike. What we are saying here is that the honor and bravery of veterans of World War II will finally be recognized by this Congress 54 years after they were taken away.

I would ask this body to recognize the bravery of our allies, the Filipinos who we drafted, provide them with eligibility for benefits, health care benefits that are given to American soldiers who fought in the same war for the same honorable cause.

Now, Mr. Chairman, this amendment is being challenged on a point of order because authorization has not been given. I would make the point that, not only did these veterans earn this benefit in the war, not only are there dozens of programs in this bill that are not authorized, but that, through the regular legislative process, we have not been allowed to bring this bill up.

I ask the floor, I ask the Chair to allow us to finally grant honor and dignity to these brave soldiers, many of whom, as I said, are in their 80s, and finally right a historical wrong of great proportions.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, let me first begin by applauding the gentleman from San Diego, California (Mr. FILNER), for his efforts. I know he has done this over many years, trying to fight for the justice of many of the veterans for World War II who fought under the flag of the United States, in fact fought at the insistence of this country.

Simply put, what the gentleman is trying to do is trying to restore benefits to which these individuals as veterans were entitled to but were stripped of by affirmative action by this Congress back in the late 1940s. But for the action of this Congress, some 50-odd years ago, these individuals would be receiving these benefits that the gentleman from California are now trying to restore.

So I would like to add my voice to the many in this Congress who are supportive of the gentleman's efforts, and, unfortunately, at this time is unable to proceed with this particular amendment. I would hope that my colleagues would recognize the efforts of the gentleman from San Diego, California (Mr. FILNER), and at some point soon recognize that we must do something for the ladies and gentlemen who fought in the 1940s to defend this country and are now at the point of passing on. It is time for us to recognize their effort and recognize that this Congress some 54 years ago or so denied them the rights that they had under this Constitution.

So I applaud the gentleman for what he does.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order against the amendment?

Mr. WALSH. I do, Mr. Chairman.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I understand that this amendment may be struck on a point of order. Many of us have been trying for many, many years to get this through, both under Democrat and Republican administrations.

I served in the United States military, and a large portion of that was in Southeast Asia, eight different deployments on carriers all going through the Philippines, and based there for training. I was also stationed there at San Miguel for some 18 months.

I rise in support of the gentleman's amendment, and I would hope that the conference chairman, in some way, even though this may be struck with a point of order, see that the gentleman is correct, there was a promise made by the United States Government, if these individuals fought on the side of the allies, that we would give them certain benefits. The gentleman from California (Mr. FILNER) is not asking even for the full-blown benefits that were promised, but even a neck-down version so that the cost is not too high. This does not affect the health care of American veterans; this will actually enhance it.

I hope there is some way that in the conference when additional monies from revenues come into the coffers that we can find some way in the conference to support the amendment of the gentleman from California (Mr. FILNER).

The Negridos were like the Native Americans to the United States; they were native to the Philippines. They are infamous on their ability to disrupt the enemy's lines during World War II in the Philippines.

The Filipino people, as the gentleman from California (Mr. FILNER) mentioned, actually walked in the Bataan death march with us; and many of those people died right alongside of Americans. Many of them died trying to free Americans in hiding and protecting them. They were executed. I mean, there is movie after movie depicting their heroism.

I also want my colleagues to take a look at the involvement of the Filipino

Americans in this country and what they have done for the United States of America. Every university we see is filled with Filipinos. Why? Because they believe in education. They believe in patriotism. They believe in the family unit. There has been no better group to immigrate to this country.

Secondly, the United States Navy for many, many years used the Filipinos. They would give up their lives, in some cases actually give up their lives, to serve in the military.

During Desert Storm, they would volunteer to serve in the military, even though they were killed, their spouses may have been shipped back to the Philippines, giving their life. We thought that that was wrong also.

But I rise in support, and I would say to the Filipino community—(the gentleman from California spoke in Tagolog)—which means I will love the Philippines forever. I was stationed there, so I speak a little Tagolog.

But in this case, the gentleman from California (Mr. FILNER) is absolutely correct. I hope we can work in a bipartisan way to bring about this amendment. It is a very small measure of what we have been trying to do for a long time.

Mr. Chairman, I yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding to me. The gentleman from California is adjacent to me in San Diego. He is a powerful voice for our Filipino American citizens. I thank him. There are no two people I would prefer to have talking on this from the other side of the aisle than the gentleman from New York (Chairman GILMAN) and the gentleman from California (Mr. CUNNINGHAM), and I appreciate the support.

This is a bipartisan effort. It is a matter of historical and moral righteousness and truth. I so appreciate the statement of the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I wanted to commend the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. FILNER) for espousing the cause of our Philippine veterans.

Mr. Chairman, I rise today in strong support of this amendment to provide $35.2 million in VA health care benefits for our Filipino nationals who fought with our American troops against the Japanese in World War II.

For almost 4 years, over 100,000 Filipinos of the Philippine Commonwealth Army fought alongside the allies to reclaim the Philippines from the Japanese. Regrettably, in return, what did Congress do? Congress enacted the Rescission Act of 1946. Despite President Truman having approved all of this, that measure limited veterans' eligibility for service-connected disabilities and death compensation and also denied the members of the Philippine Commonwealth Army the honor of being recognized as veterans of our own Armed Forces.

A second group, the special Philippines Scouts, called New Scouts, who enlisted in the U.S. Armed Forces after October 6, 1945, primarily to perform occupation duty in the Pacific were simply excluded.

The CHAIRMAN. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

(On request of Mr. FILNER, and by unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 3 additional minutes.)

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding to me.

I believe it is long past time to try to correct this injustice and to provide the members of the Philippine Commonwealth Army and the Special Philippine Scouts with a token of the appreciation for the courageous services that they valiantly earned during their service in World War II.

Given the difficulty in extending full veterans' benefits without adversely impacting other domestic veterans programs, health benefits are the most appropriate to extend. With this in mind, the amendment of the gentleman from California (Mr. FILNER), with the support of the gentleman from California (Mr. CUNNINGHAM), provides funding for such benefits which are sorely needed by an aging population of veterans well into their twilight years.

I commend both gentleman from California, Mr. FILNER and Mr. CUNNINGHAM, for supporting this amendment. I urge our colleagues to lend their full support.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming the balance of my time, I would say that this is a promise made by the United States Government.

Most of us were not here when that promise was made, much like our friends from Guam. But there is a promise, and that promise was taken away after the war. They fulfilled their contract, and this government reneged on that particular contract.

I ask my colleagues on this side of the aisle and the chairman to give this consideration in the conference even though it will probably be struck with a point of order.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is worth standing here for the next few minutes to continue this dialogue. I want to congratulate the words of the gentleman from California (Mr. CUNNINGHAM) who just spoke, along with those of the gentleman from San Diego, California (Mr. FILNER), as well. Both of the gentlemen from California have spoken very righteously about this particular issue.

□ 1700

And while we know this amendment will be ruled out of order in the next few minutes, it does bear saying.

I do not know if all my colleagues are aware of what we are talking about here, nor perhaps the American people who might be watching; but what we are talking about here is the fact that during World War II Americans encountered a very rough time in the Pacific. There was a point there where it was not clear how the battles would turn and how the war would turn; and in the Philippines, things were tough. It got to a point where our President, President Roosevelt, called upon the Filipino people to come forward and fight under the American flag. In fact, it was an edict. They were to serve under the American flag. And, sure enough, they did, and they did so with honor.

These were individuals from the Philippines who were fighting not just for their country but for the United States of America. They were under the command of U.S. forces. They were under the direction of generals of the United States of America. When they were told to go to battle, it was by American generals; and it was to provide for the security and safety not just of Philippine soldiers but of American soldiers. When many of these Philippine soldiers died, they died under the American flag.

At the conclusion of the war, these Filipino veterans who fought so valiantly were entitled, because they had fought under the flag of the United States and at the direction of our President, to receive the benefits of Americans who had served under our flag. And had everything proceeded as it normally would, these Filipino veterans would have received every single type of benefit that an American soldier received having fought for this country at the direction of this government. But in 1946, Congress affirmatively took steps to rescind those rights that those veterans from the Philippines had. The Rescission Act of 1946 stripped Filipino veterans of any rights they had as American veterans.

Last session, this Congress, working in a bipartisan manner, actually restored a modicum amount of those benefits. It allowed some of those Filipino veterans who were in this country, had been here for the last 50-some-odd years, and who actually decided to go back to the Philippines, to retain their SSI benefits, these are folks that are in

their 80s, at reduced levels. In fact, we ended up saving money having them do that. Because rather than having them collect supplemental security income at the price of what it would cost by their staying here in America, if they did it in the Philippines, it would cost even less. That was, in a way, a token to those Filipino veterans, but it actually saved us money.

What the two gentlemen from San Diego are talking about is trying to restore some semblance of decency, who are now in their 80s and dying away, and it is the right thing to do. It is something we owe them. Because when it was time to take to that battle and they were charged to do so, they did not ask what would happen; and they did not ask what would be the return, they just did so.

For that reason, we should try to work in support of the amendment by the gentleman from California (Mr. FILNER), which would simply say give these veterans, now in their 80s, for the most part, access to health care that most American veterans are entitled to receive. That is the right thing to do. And I would join with my two friends from San Diego who are fighting for this, to say that it is something I hope that the conference committee will take up, that the chairman and ranking member will consider, because we should do this. At a time when many of these veterans may not see the next year, as we come closer to doing this, it is the right thing to do.

In the last session of Congress, in the 105th Congress, we had 209 Members of Congress who cosponsored legislation that contained these precise provisions. Just eight sponsors away from having a majority of this House saying they wanted to see this happen. We are very close. Most Members do support this when they are told about this, but it is just so difficult bureaucratically, procedurally, to get this done. I would hope that the chairman and the ranking Members and the committees of jurisdiction, when in conference, would consider this.

I join with my colleagues from California who have spoken, along with the many others who would like to speak on this, to say it is the right thing to do and we should move forward.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind all Members that remarks in debate should be addressed to the Chair and not to a viewing or listening audience.

Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. UNDERWOOD. Mr. Chairman, I move to strike the requisite number of words.

I too rise in support of the amendment offered by my good friend, the gentleman from California (Mr. FILNER), that would provide health care benefits for Filipino World War II veterans that were excluded from benefits by the 1946 Rescission Act.

For all the reasons that have been stated by the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. BECERRA), this is an issue that is really a no-brainer. It is an issue that when people hear the entire story, they will support full equity, full World War II benefits for Filipino World War II veterans.

These veterans are comprised mostly of Filipino volunteers and recruits, augmented by American soldiers, who were the defenders of Bataan and Corregidor and who delayed the Japanese effort to conquer the western Pacific. This enabled U.S. forces to adequately prepare and launch the campaign to finally secure victory in the Pacific theater of World War II.

Filipino veterans swore allegiance to the same flag, wore the same uniforms, fought, bled, and died in the same battlefields alongside American comrades, but were never afforded equal status. And even after the surrender of American forces in the initial part of the battle of the Philippines, they continued to fight on in guerilla units.

Prior to the mass discharges and disbanding of their unit in 1949, these veterans were paid only a third of what regular service members received at the time. Underpaid, having been denied benefits that they were promised, and lacking proper recognition, General MacArthur's words, ''No army has ever done so much with so little,'' truly depicts the plight of the remaining Filipino veterans today as they certainly did a half century ago.

In terms of my own people of Guam, since we are closest to the Philippines, I guess of all the areas that are represented in Congress, and the people of Guam share deep cultural and historic ties with the Philippines, we also understand the trauma and the tragedy that they endured because we too suffered horrendous occupation, a long and painful and brutal occupation under the Imperial Japanese Army. And we certainly appreciate, understand, and support the efforts of peoples who are trying to resolve the issue of Filipino World War II veterans.

I urge my colleagues to support the Filner amendment. I know that I certainly will probably be ruled out of order here before too long, but the issue will not go away until we certainly see justice for these veterans no matter how many are left. And I must remind the Members of the House that they continue to pass away as we continue to not address this issue fully.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know we cannot fix this problem here today, but I want the gentlemen to know that we are sympathetic on this issue.

These Filipino veterans enlisted in the United States Armed Services during World War II to fight against the Japanese. At the time, the Philippines were a protectorate of the United States and not an independent country. They fought bravely, at great sacrifice, under the orders of the U.S. military commands, and had every reason to expect full veterans benefits.

For the reasons which I do not fully understand, however, in 1946, the law established for this particular group of veterans a two-tier system with less benefits. In particular, they have less health care and lower rates of disability compensation, even when they now live in the United States.

I would hope that the authorizing committee could look into this situation, and hopefully look into it expeditiously, and make appropriate adjustments for these Filipino veterans who fought both for their country and for the United States.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to thank the gentleman very much for his remarks, and I thank the gentleman from California (Mr. FILNER) for the amendment, as well as the gentleman from California (Mr. CUNNINGHAM) for his support, and the others who have spoken on this amendment.

I rise in strong support of this amendment. Unfortunately, I guess a point of order has been raised against it. But I agree, I would hope that the authorizing committee would report this legislation out so that these Filipino veterans would get what is in fact due to them under the promises that we have made, and I look forward to working with the others supporting this matter.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I thank the ranking member for his warm support of this. He is absolutely right.

And, again, the gentleman from California (Mr. BECERRA) indicated that well over 200 Members of the House signed onto legislation. I would point out to the House that that legislation was for both health care and for pension benefits. So if 209 Members of this body supported a bill which was costed out at roughly $500 million or $600 million, surely this session of Congress could approve just the health benefits at $35 million. But I thank the gentleman for his kind words.

Mr. MOLLOHAN. Reclaiming my time, Mr. Chairman, I would just say

that I think the authorizing committee has been invited to bring that legislation to the floor.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Filner amendment.

I do not quite understand the legislative precedence which, in some instances, allow appropriation bills to come to the floor with a waiver of points of order which would allow the inclusion of appropriations for matters that have not cleared the authorizing committee. When so many Members of this Chamber support this legislation, it seems to me in order for the rule to have come out allowing this amendment to be made to correct this very, very grave injustice that has been permitted to exist for these numbers of years.

These Filipino veterans, if they were aged 20 at the time they were enlisted to help the United States Government, if they were 20 years old, today they are at least 80 or 85. There will not be much more time for this Congress to rectify this injustice, so I plead with the people who are taking this bill over to the other side to give consideration to the emergency of this situation and to find a way to at least provide the health care which the Filner amendment allows this Congress to permit these individuals.

A lot has been said about the sacrifice that these individuals made. I want it to be made perfectly clear that it was 5 months before the Japanese attack on Pearl Harbor that President Roosevelt issued an Executive Order calling upon the Filipino Commonwealth Army into the service of the United States Forces in the Far East. The date was July 26, 1941, long before Pearl Harbor. The Filipino soldiers complied without hesitation. They were part of the United States in their hearts and in their minds.

The Philippines was considered a possession of the United States. In fact, perhaps they had no choice but to agree to enlist and become a part of the U.S. forces. They had grown up under the U.S. rule. They spoke English. They knew a lot about our government and about our democracy. And so when they were called upon to defend this freedom for which we fought and died, they willingly signed up, stood in line and gave of their lives. And it seems to me that the promises made to them at the time that they went into service should be honored.

The fact of the matter is that there is almost a concession that the promises were made. Why else do we have a rescission, which is a cancellation, of benefits that were promised? We do not have a rescission if there is not an acknowledgment that there were promises made and commitments given to these veterans. But, anyway, in 1946, the Congress of the United States passed a rescission bill and took away all possibility that the promises made to the Filipino veterans would be honored by the United States Government. And that is the shameful act that we are seeking at least partially today to correct.

These veterans are very old. They are in their 80s, 85, perhaps 90s. Many of them live in my district. I see them every time that there is a veterans holiday or a Memorial Day or a gathering in the community, and I know how deeply they feel about this issue. They see the Congress dealing with it, and yet due to some legislative thing there is a point of order and the matter cannot be brought to a vote.

I think it is a very, very sad travesty that we are permitting, through a parliamentary situation, not to bring up to the House of Representatives. Because I feel sure, as the previous speaker from California indicated, that more than 218 Members of this House would vote for this measure. This is not the full measure that we feel they are entitled to, but it is the most urgent piece of this promise, and that is the health care that they so desperately need.

Many of these veterans have returned back to the Philippines because that is probably the only way that they could be cared for by their families or some friends, or perhaps the health system there would permit them to be cared for.

□ 1715

But for those few thousand veterans that are here in the United States, the delay of a day, a month, a year means a delay in perpetuity.

So I call upon those who will be working on this matter, taking it to conference and discussing it, not to wait another day but to call the compassion and the commitment and the moral obligation that this country has to these veterans and enact it into law this year.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) now insist on his point of order?

Mr. WALSH. Mr. Chairman, I do. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2 of rule XXI.

Mr. Chairman, there are any number of Members who sympathize with the intent of this language. The problem is it is unauthorized. This decision needs to be determined in the committee of authorization, the Committee on Veterans' Affairs, not in the context of an appropriation. And, therefore, I insist on my point of order.

Mr. FILNER. Mr. Chairman, first of all, I appreciate the courtesy of the gentleman from New York (Mr. WALSH) in not insisting on the point of order until we had a chance for those who wanted to speak on it, and I sincerely thank him for that courtesy.

But I would point out to the Chair of our committee and to the Chair of the Subcommittee on Appropriations that this insistence on this point of order is rather arbitrary. The same argument could be made, as I have said earlier, to dozens of programs in this bill.

Under FEMA there are many programs not authorized. The whole NASA, apparently, is not authorized. The Neighborhood Reinvestment Corporation is not authorized. Major projects of construction in the veterans' affairs budget are not authorized. And I can go on and on.

The point here is that this House can pick and choose which items to protect in a point of order in an appropriations bill. I think that is not only illogical, but it does not show the reality. In this case, we have had to face really the obstruction of only one person that would prevent this from even coming to the floor and being authorized.

So I would ask at some point in the future that the chairman and the ranking member look kindly on this amendment, this legislation. We only have a few years left before these brave veterans are no longer with us. And so, I understand his insistence on the point of order, but I wish he would grant the same latitude that he had to dozens of other programs in this bill.

Mr. CUNNINGHAM. Mr. Chairman, I would like to echo the words of the gentleman from California (Mr. FILNER). This is not a partisan issue. The 40 years following the war, the Congress was controlled by the other side. We have gone through 5 years of Republican control of this House; and it is time, especially with the cosponsors, that we bring this to fruition.

I would like to repeat to the ranking member and the ranking minority member of the committee on authorization, there is a determination here by both sides of the aisle to see this through to fruition. Whether we do it this time or we do it the next time, this will pass. I would ask the chairman to consider it in the conference.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The amendment earmarks funds in a manner not supported by existing law. The amendment also proposes to designate an appropriation as an emergency for purposes of budget enforcement procedures in law. As such, it constitutes legislation, in violation of clause 2(c) of rule XXI. The point of order is sustained.

Mr. WALSH. Mr. Chairman, I again rise to ask unanimous consent that it may be in order to consider at this time the Ney amendment No. 40, the

Gutierrez amendment No. 28, the Tancredo amendment No. 26, and that they be considered en bloc.

I ask further that after disposition of these amendments that the House return to the reading of the bill on page 9, line 8.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FILNER. Mr. Chairman, reserving the right to object, I just want to clarify that amendments under the Medical Research paragraph are still eligible with the unanimous consent request of the gentleman. Is that correct?

Mr. WALSH. Mr. Chairman, our intention is not to preclude anyone's ability to comment on these amendments or offer amendments.

Mr. FILNER. Mr. Chairman, I just wanted to see, before I pursue the objection, whether amendment No. 19 would be in order, given this unanimous consent agreement.

The CHAIRMAN. The Chair cannot prejudge an amendment that has not yet been offered.

Mr. FILNER. Then I will have to object. I want to know if it is eligible for offering at the point of line 8, as the amendment requests. I have to ask this, otherwise I will have to object to the unanimous consent request.

I think the intent is to keep my amendment eligible. I just want to make sure that it is.

The CHAIRMAN. First of all, the gentleman from New York (Mr. WALSH) should understand that reading is to commence at page 9, line 4, not line 8. His request is a bit premature.

Mr. WALSH. Mr. Chairman, I would, then, amend that we return to reading of the bill on page 9, line 4.

The CHAIRMAN. The Clerk will read.

The Clerk read, as follows:

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2002, $321,000,000, plus reimbursements.

The CHAIRMAN. There has been no unanimous consent agreement in the Committee, nor is there an amendment pending.

Does the gentleman from New York (Mr. WALSH) wish to offer an amendment or a unanimous consent request?

Mr. WALSH. Mr. Chairman, may I restate my unanimous consent request?

The CHAIRMAN. The gentleman may.

Mr. WALSH. Mr. Chairman, I would ask that I may offer Ney amendment No. 40, Gutierrez amendment No. 28, and Tancredo amendment No. 26, and that they be considered en bloc; and I further ask that after disposition of the amendments the Committee return to the reading of the bill on page 9, line 4.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENTS OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I offer amendments.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. WALSH:

H.R. 4635

AMENDMENT NO. 40 OFFERED BY: MR. NEY

Under the heading ''MEDICAL AND PROSTHETIC RESEARCH'' of title I, page 9, line 8, insert ''(increased by $5,000,000)'' after ''$321,000,000''.

Under the heading ''ENVIRONMENTAL PROGRAMS AND MANAGEMENT'' of title III, page 59, line 6, insert ''(reduced by $5,000,000)'' after ''$1,900,000,000''.

___

AMENDMENT NO. 28 OFFERED BY: MR. GUTIERREZ

Page 9, after line 8, insert after the dollar amount the follwoing: ''(increase by $25,000,000)''.

Page 73, line 3, insert after the dollar amount the following: ''(reduced by $25,000,000)''.

___

AMENDMENT NO. 26 OFFERED BY: MR. TANCREDO

Page 14, line 13, insert after the dollar amount the following: ''(increased by $30,000,000)''.

Page 73, line 18, insert after the dollar amount the following: ''(reduced by $30,000,000)''.

Mr. WALSH. Mr. Chairman, I yield to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I appreciate the hard job that the distinguished chairman and the members of the committee faced as they drafted this bill. It is a good bill, and I intend to support it.

The amendment has been agreed to by the parties involved. It is about giving our veterans the facilities they need as they grow older and the care that they were promised as they chose to defend the country.

Our bipartisan amendment will restore the State Extended Care Facilities Construction Grant Program funding to the FY 2000 level of $90 million. Currently the bill cuts the funding in this program to $30 million.

In 2010, one in every 16 American men will be a veteran of the military over the age of 62. That is an amazing statistic. The increasing age of most veterans means additional demand for medical services for eligible veterans as the aging process brings on chronic conditions needing more frequent care and lengthier convalescence.

This surge of older veterans will undoubtedly put a strain on our Nation's veterans' health services. At the current pace of construction, we will not have the necessary facilities to meet veterans' extended care needs.

The Veterans Millennium Health Care Act, passed by this House and signed into law in 1999, places new requirements on State care facilities that must be funded immediately. With the ranks of those requiring VA care growing on a yearly basis, States already face huge financial burdens in helping to care for our veterans.

Finally, State care facilities are cost effective. In Fiscal Year 1998, the VA spent an average of $255 per day on long-term care nursing home care for residents, while State veterans homes spent an average of $40 per resident. This economic trend continued in 1999.

Mr. WALSH. Mr. Chairman, I yield to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, this is an important amendment. It is about nursing home care for our veterans.

Unfortunately, when the administration came forward with its budget this year, they proposed a significant cut in State grants, grants to our States to provide veterans nursing homes.

As we have seen growing need, as particularly our veterans of Korea and Vietnam and World War II-era veterans need nursing home care, there is tremendous demand. And State care facilities operated through the State of Illinois and others have proven cost effective.

The VA spends on average $225 a day for care for long-term nursing care residents, whereas State nursing homes provide about $30 a day. They are effective and they provide quality care.

I am proud to say that in Illinois we have four veterans homes. Two are in the district that I represent. One of them, the LaSalle Veterans Home, has a waiting list 220 veterans, veterans having to wait as long as 18 months in order to obtain nursing home care. Imagine that, if they need nursing home care and they have to wait 18 months. That is an eternity for veterans.

Other veterans homes in Illinois, Manteno is owed a million dollars for its compliance with ADA. The State of Illinois is owed $5 million for other home updates. The bottom line is this money is needed.

I want to salute the gentleman from New York (Chairman WALSH) for accepting this amendment. I also want to salute my friend, the gentleman from Colorado (Mr. TANCREDO), for his leadership in fighting for veterans.

The bottom line is this legislation deserves bipartisan support. Let us support our veterans. Let us ensure the dollars are there to ensure nursing home care for our veterans and their needs.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to briefly discuss the amendments that the chairman proposes to merge here. I want to

begin by expressing my agreement with the premise of these amendments that the Veterans Medical Research account and the State Grants Account for extended care facilities are both underfunded.

Two of the amendments in this unanimous consent request, those of the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Ohio (Mr. NEY), would together increase the VA Medical Research Account by $30 million.

As I said before, VA research has been widely praised for its quality and medical advances. Indeed, this Congress has clearly demonstrated its interest in medical research, specifically in the National Institutes of Health, which received a $2.2 billion increase last year, an increase of over 14 percent.

We should be doing the same for VA medical research. And although these amendments do not get us to that point, they are a good start.

In addition, the amendment of the gentleman from Colorado (Mr. TANCREDO) would increase the State Grant Account for the construction of extended care facilities by $30 million, for a total of $90 million, the same level as was enacted for Fiscal Year 2000. The need for extended care facilities is great, and this increase will help meet that need.

All that being said, I do have concerns regarding the offsets of these amendments. One offset would take $25 million from NASA's Human Space Flight Account. It is a small cut relatively, but I am a bit apprehensive about making any cuts to this account, particularly at a time when we are literally months away from establishing a permanent human presence in the Space Station.

This account also funds the Space Shuttle Program, and reductions could either force delays or cuts in the mission manifest or, even worse, force cuts to important shuttle safety upgrades planned by NASA.

The other NASA offset is also somewhat distressing. It would take $30 million from NASA's Science Aeronautics and Technology Account.

□ 1730

This account funds almost all of NASA's activities other than the Space Shuttle and the Space Station, such activities as space science, aeronautics, earth science and NASA's academic programs.

This account was also the only NASA account in this bill to receive less than the President's request. Mr. Chairman, NASA's budget has been cut for years and this amendment cuts an already anemic account.

Finally, the last of these amendments would take $5 million from EPA's operating programs account, which includes just about all the agency's activities other than science research and Superfund. Although this is a very small cut, the relevant account is already 10 percent below the President's request.

All that being said, I supported the gentleman's unanimous-consent request and the acceptance of the underlying amendments. I do look forward to working with the chairman and the other body in conference to restore the NASA and EPA funding as we move forward.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today for an amendment that I believe is critically important to the health and well-being of our veterans and to the future of the VA health care system. I urge all of my colleagues to support this amendment and make a strong statement of support for an effective, cost-efficient, and important program, the VA medical research program.

Unfortunately, the appropriation bill before us calls for no increased funding, zero, in the VA medical research program. Given inflation and increased program needs, this amounts to a significant reduction in the amount of work and research the VA will be able to perform. This is a shortsighted and extremely damaging budget decision.

Few government programs have given our Nation a better return on the dollar than VA medical research. The VA has become a world leader in such research areas as aging, AIDS-HIV, women's veterans health, and post-traumatic stress disorder. Specifically, VA researchers have played key roles in developing cardiac pacemakers, magnetic source imaging, and in improving artificial limbs.

The first successful kidney transplant in the U.S. was performed at a VA hospital and the first successful drug treatments for high blood pressure and schizophrenia were pioneered by VA researchers. Quite simply, VA medical research has not only been vital for our veterans, it has led to breakthroughs and refinement of technology that have improved health care for all of us. Given this record of accomplishment with a very modest appropriation, the reduced commitment to the VA medical research budget is unjustified and unwise.

At the proposed level of funding, the VA would be unable to maintain its current level of research effort in such vital areas as diabetes, substance abuse, mental health, Parkinson's disease, prostate cancer, spinal cord injury, heart disease, and hepatitis. In fact, research projects currently in progress would be put in jeopardy.

I am asking for a very reasonable increase, enough to save the current level of research and to allow for a modest improvement. My amendment calls for a $25 million increase in funding. Approximately $10 million is needed to maintain the current research level and approximately $15 million will help to fund new research projects in such vital areas as mental health and spinal cord injury. This is money well spent on proven, effective research projects that benefit not only our Nation's most deserving population, our veterans, but that eventually benefits us all.

Again I believe in this Congress, we must reexamine our priorities and in our current economic climate, $25 million is hardly a budget-breaking commitment. We cannot in any honest fashion say the money is not there. The money exists. It is simply a question of what we want to invest it in, what priorities are most important to us. What better choice, what better investment than the health care of our veterans? The average research grant is $130,000. My amendment will help pave the way for as many as 250 new ones. Which of those grants will help to find a cure for Parkinson's disease? Or ease the pain of post-traumatic stress? Or discover new ways to prevent prostate cancer or protect against heart disease? Or which of these grants will never be funded because we were not willing to make this reasonable and effective appropriation? Which grant will we lose because once again we made speeches praising our courageous members of the Armed Forces when they fought and sacrificed to keep our country safe only to make them sacrifice again when we turn our backs on their health care needs?

This amendment shows us that we do not have to sacrifice any of these research projects. The amendment has the strong support of the American Legion, the Disabled American Veterans and Vietnam Veterans of America. I urge my colleagues to join these veterans advocacy groups and please support the funding. It is effective, it is necessary, it is reasonable, and our veterans deserve it. I hope Members will stand with me in support of VA medical research.

Mr. Chairman, I would like to thank the gentleman from New York (Mr. WALSH) for including this amendment in the en bloc package that he has offered to the House and to wish him a belated happy birthday.

Mr. NEY. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I also want to thank the gentleman from New York (Mr. WALSH) for including my amendment in the en bloc.

My amendment reduces the EPA's program and management budget which is $1.9 billion by $5 million and transfers the dollars to medical research in the VA. The EPA's account in this section encompasses a broad range of things, including travel and expenses for most of the agency. I believe the EPA can tighten their belts on some

travel to the tune of $5 million so that our veterans can continue to receive the medical care that they need and deserve.

With passage of Public Law 85–857 in 1958, Congress gave official recognition to a research program with a proven record of contributing to the improvement of medical care and rehabilitation services for the U.S. veteran. The law formally authorized medical and prosthetic research in the VA and led to the establishment of four organizational units, medical research, rehabilitation research and development, health services research and development, and the cooperative studies program.

There are over 75 some groups which I have listed here that, in fact, support the increase for VA medical research. I want to again thank the gentleman from New York for his indulgence to support the veterans.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe with the allocations made by the leadership, and I appreciate the $30 million additional in terms of nursing homes for veterans, but still we need $80 million to take care of existing costs. I feel compelled to speak out on this amendment which would inadequately fund the State Veterans Home Program. It is imperative that the veterans and their families be able to be taken care of in the twilight of their years.

Getting the funding increase is only the first step. While I am primarily concerned about the dire need of these homes in Texas, veterans all across the country need these services. The key to strong recruitment into our military is a strong evidence of helping veterans throughout their life. On behalf of the nearly 1.7 million veterans in Texas, I want to boost this appropriation for the Department of Veterans Affairs' grants for construction of State extended care facilities to $140 million for fiscal year 2001. The $30 million would only give us $90 million. We need $80 million additional to bring us up to $140 million to be able to take care of existing costs.

This increase of $80 million, if you add $50 million to your request from the VA, was recommended by both the chairman and the ranking member of the House Committee on Veterans' Affairs in their letter to the House Committee on the Budget expressing our views and estimates of the House Committee on Veterans' Affairs.

I look forward to working with the gentleman from New York in securing necessary resources to fund this crucial program which is very important. Providing for the long-term health care needs of veterans remains one of our most important commitments to those who have served our Nation. I feel that providing this stepped up level of funding for 2001 sends a strong signal to our veterans and their families across this country that Congress is committed to serving veterans in the twilight of their years.

Texas has only received 3 percent of the funding from these types of programs in the past since its inception even though we have over 7 percent of the Nation's veterans. As they get older and are in more need of nursing home care, we must be there for them and be able to provide that service. Texas has been a newcomer to this program, and we have not taken advantage of it in the past which provides funding for State nursing homes for veterans.

We have begun construction of four sites in Texas. Those sites are in Floresville, Texas; Temple, Texas; Bonham; and in Big Spring. The reality is that the way it is structured now, Texas will not be entitled to a red cent, to not a single penny of the resources that are there unless we go beyond the existing resources because of the wording that you have for renovation and not for new construction.

I am hopeful that we can continue to work on this to provide the additional resources that are needed. Once again, it was unfortunate the administration had only recommended $60 million. Your $30 million will bring it up to $90 million. We really need to look in terms of bringing it up to $140 million to meet the needs. That is one of the recommendations that was made from our committee.

I want to ask the committee to please consider the possibility of increasing these resources beyond the $30 million that is there before us.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, it is no secret that our veterans population is aging. In fact, in 2010—over half of the veterans population will be over the age of 62. Currently, 36 percent of all veterans are over the age of 65 and that number is expected to increase exponentially over the next eight years.

The increasing age of most veterans means additional demands for medical services for eligible veterans. This surge of older veterans will undoubtedly put a strain on our nation's Veterans Health Services.

The House and Senate approved $90 million in funding for the State Extended Care Facilities Construction Grant Program for FY99 and FY00. This year, however, the Committee has funded the program at $60 million—$30 million below last year's funding.

This amendment would increase funding for these States Care Facilities by $30 million to the fiscal year 2000 level of $90 million.

Last year, 354 Members of Congress voted to support our aging veteran population by voting for a similar amendment to restore funding the State Nursing Homes Construction Grant Program in the VA–HUD Appropriations Act for Fiscal Year 2000. Once again, this amendment must be offered to prevent a massive, 33 percent cut in funding to this vital, cost-effect program for our veterans.

The Veterans Millennium Health Care Act, passed by the House and signed into law in 1999, places new requirements on state care facilities that must be funded immediately. With the ranks of those requiring VA care growing on a yearly basis, states already face huge financial burdens in helping to care for our veterans.

In fiscal year 1998, the VA spent on average $255.25 per day to care for long term nursing care residents, while, state veterans homes on average spent $40.00 per resident. This economic trend continued in 1999—proving that state care facilities are in fact cost-effective.

Mr. Chairman, taking care of our nation's veterans is clearly one of the government's prime responsibilities Congress has a track record of supporting veterans program as we have increased the President's request for VA funding for several consecutive years now.

At the current pace of construction, we will not have the necessary facilities to meet veterans' extended care needs. The State Nursing Homes Construction Grant Program is an important program that meets our veterans health care meets. I urge my colleagues to support this amendment.

Mr. WELDON of Florida. Mr. Chairman, I rise in opposition to the Tancredo amendment and to the Gutierrez amendment. I would like to say straight out, though, that I certainly am very sympathetic to the idea of plussing up these veterans accounts. I believe I have the fourth largest number of veterans in my congressional district and the veterans in my congressional district have been historically very underserved. I believe the gentleman from Texas just related a very similar story to what has gone on in Texas and many other Sunbelt States that have not been receiving the appropriate amount of veterans care for their communities.

My objection is based on the issue of cutting funding out of NASA. NASA, unlike most Federal agencies here in Washington, has actually seen its budget decline in real dollars over the past 8 years. NASA from the time period of about 1982 to 1992 saw its budget double and then over the past 8 years of the Clinton administration, it has actually gone down by several hundred millions of dollars.

When we factor in inflation on this, it is actually about a 30 percent reduction in the purchasing power of the agency. I would like to point out to my colleagues because there have been many eloquent comments about the need to plus up veterans research, the funding that has gone to NASA has played a critical role in enhancing our breakthroughs in medical technology and medical research. I would just

point out to my colleagues that much of the technology that goes into current pacemakers currently employed by hundreds of thousands of veterans, the technology used in scanning, MRI scanning, CAT scanning, the technology used in cardiac catheterization, many of the material science that goes into the prosthetic devices which some people have been talking about today, it is all actually a spin-off from our space program.

So what we are really talking about doing here is the proverbial borrowing from Peter to pay Paul. We have an agency that has been cut year after year after year and now for the first time we are actually talking about plussing it up. I think it would be very, very inappropriate for us to go into this agency. There are many other places in this bill where we could find the appropriate reductions to be made.

I would certainly hope that if this amendment considered en bloc passes that the subcommittee chairman and the full committee chairman work in the conference process to get these NASA reductions plussed back up. I would like to also point out that some of this money that is being cut is going for flight safety for our shuttle program which is very, very critical to making sure that the Space Station program succeeds.

Mr. RODRIGUEZ. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. I thank the gentleman for yielding. This amendment will basically require, or almost make it assured that the 30 Members from Texas will have to vote no despite the fact that we feel very strongly about the need for nursing homes because they are taking it from NASA and not only that they are taking it from NASA, but in addition to that $30 million that is going to nursing homes, none of that with the exception of $10 million would be qualified to where we could even begin to participate because we cannot even get that first $80 million for Texas for nursing homes. So not only are they taking the money from there but we are not going to be able to benefit from that, either.

□ 1745

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, I would just like to point out to my colleagues here that my congressional district has no veterans nursing home, even though it has needed one for years; and I certainly would support increasing funding for veterans nursing care, veterans medical research. I just object to the place where these reductions are being made.

Mr. JOHN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment, the Tancredo-Weller-John-Ryan-Hilleary and others amendment to the VA–HUD appropriations bill. I want to personally thank the gentleman from Colorado (Mr. TANCREDO) for his work on this issue that is so critical to our Nation's veterans across America.

Mr. Chairman, veteran State homes are the most cost-effective programs in the Veterans Administration. These homes receive Federal funding of 65 percent for construction costs and the remainder is provided by the different States. Once the home is constructed and ready to go, the Veterans Administration pays on an average only $40 a day for its patients. However, the other long-term facilities drain the Veterans Administration of some $250 per day.

This amendment would save the Veterans Administration lots of money, over $200 a day to provide long-term health care for our veterans. This amendment will prevent a massive 33 percent reduction in the State Nursing Home Construction Grant Program at a time when the number of elderly veterans are dramatically rising.

Mr. Chairman, in just a very, very few short years, half of the veteran population of this Nation will be over the age of 65, and we must have the facilities to provide them this quality care. There is already a long list of States on a waiting list for these homes. In fact, many of the States have already appropriated dollars and allocated funds for these homes. Yet Washington has failed to uphold its end of the bargain.

This is a win-win situation for the Federal Government and for our Nation's veterans. By agreeing to this amendment, we will renew our commitment to America's veterans.

Our amendment maintains, does not increase, but maintains the past 2 years' level of funding of $90 million in order to ensure our continued investments in our veterans health care facilities. If you remember, Mr. Chairman, last year, a similar effort to increase funding for this account was supported by over 350 Members of this Congress.

Mr. Chairman, I support the increase of $30 million as provided in the Tancredo amendment, and I urge my fellow Members to support this much needed amendment to help out the people that have helped us out so many times, the veterans of America.

Mr. Chairman, I rise in support of the Tancredo, Weller, John, Ryan, Hilleary amendment to the VA–HUD Appropriations Bill.

I would personally like to thank the cosponsors for their work on our amendment, especially Mr. TANCREDO. This is a critical issue to our nation's veterans.

As you know Mr. Chairman, Veteran State Homes are one of the most cost-effective programs within the Veterans Administration, and there is an ever-growing list of grant requests from states working to fulfill the health care needs of our veterans. While I appreciate all the difficulties associated with constructing this bill, it is not the time to ignore the needs of our senior and disabled veterans.

State Homes receive federal funding for 65 percent of the construction costs, and the remainder is provided by the state. Once the home is providing care, the Veterans Administration pays an average of $40 per day for patients. However, other long term nursing facilities drain the Veterans Administration of over $250 per day. By comparison, the State Extended Care Facilities Program saves the federal government approximately $200 per day per veteran.

This amendment will prevent a massive 33 percent reduction in the State Nursing Homes Construction Grant Program at a time when the number of elderly veterans is dramatically increasing. In a few years, half of the veteran population will be over the age of 65, and we must have facilities available to provide quality care. There is already a long waiting list for state veterans homes, and we cannot prolong this necessary action.

Mr. Chairman, this is a win-win situation for the federal government and for our nation's veterans. Many states have already approved and allocated funding for their homes; yet Washington is failing to uphold its end of the bargain. By agreeing to this amendment, we are renewing our commitment to this successful federal-state partnership.

I need not remind this body that this Congress and our President acted decisively in improving the quality of health care when we passed the Veterans Millennium Health Care Act last fall. Just as that bill improved the quality of care that our nation's veterans receive, so then this amendment would ensure that those veterans have adequate facilities through which such care can be rendered. More simply, we must not fall short on our commitment to our nation's veterans by not building the facilities that provide for their care. Our amendment will maintain the past two years' funding level of $90 million in order to ensure continued investment in our veterans' health care facilities.

Last year, a similar effort to increase funding for this account was supported by 354 Members of this House. Once again, we have an opportunity to address an inadequacy in VA funding by leveraging much needed, scarce federal resources in a very successful program.

I support the increase of $30 million as provided in the Tancredo, Weller, John, Ryan, and Hilleary amendment, and I urge that my fellow Members join me in adopting this amendment.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is unusual that I follow my colleague, the gentleman from Louisiana (Mr. JOHN), because the gentleman and I normally are of the same mind. Maybe the river that separates Texas and Louisiana might have more than that.

Mr. Chairman, I rise in reluctant opposition to the amendment. While I appreciate the gentleman's efforts to increase funding for a number of important satisfactory veterans programs, I

cannot support the way in which they are going about obtaining the funding.

To pay for these worthwhile programs, the amendment seeks to transfer funds from the Human Space Flight account of NASA and also NASA Science, Aeronautics and Technology.

While the contribution of our veterans to the greatness of our Nation should never be forgotten, and while we fulfill our special obligations to care for those who fought for these freedoms that we enjoy and sometimes we take for granted, this amendment is not right the way it goes. In fact, my good friend, the gentleman from Texas (Mr. REYES), who has fought many years not only in the State legislature, but now here in Congress for veterans nursing homes, tells me that Texas will not benefit from this plus-up yet with the cuts from NASA. The men and women at NASA run an exceptional government agency that has always done innovative work with limited funds that Congress appropriates.

They have been leaders in cutting expenses and making their agency more financially streamlined and we should recognize that. If anything, I fear that perhaps they carried their zeal for faster, cheaper, better, a step too far.

With the recent high-profile setbacks, particularly in the Mars missions, I think we need to prod NASA in the other direction, to ensure that in their efforts to do more with less that they have not sacrificed safety to save money. Again, this amendment has benefit but not in this area.

NASA is a fine example of an effective agency. If we wish to have the world's preeminent space program, we must work to fund it, not to cut their budget.

Our space program is the envy of the world. Despite recent stumbles, NASA continues to expand the frontiers of knowledge and probe the vast unknown reaches of outerspace.

Space exploration will play a critical role in our Nation's future both for technology development and for health care, and we need to push for the development of these new technologies.

It will push our children, our students, to learn more math and science; and we need to make sure that responsible agencies like NASA have the necessary funds to carry out their mission and to continue to provide us with the invaluable source of innovation and information.

I support veterans nationwide, but I also want to make sure our Texas veterans can benefit. Again, this amendment does not go that far, and so I would hope in their effort to support veterans nationwide that we would come up with an amendment that not only would not cut NASA, but would help veterans in all 50 states instead of 49 of them and not just punish the ones in Texas.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this discussion and the amendments show a couple of things about the processes which we are undergoing in discussing this bill. Number one, it shows that everybody agrees that there are accounts in the veterans budget that are underfunded, and the chairman of the committee seems to agree that we should plus-up the research account in this case by $30 million, plus-up the construction of the State veteran homes by $30 million, and I support that and would go even further.

It also makes the point that many Members are caught up in a conundrum here. The absurdity of our rules where we have to do something good in order to do something good in the veterans budget, we have to do something bad in the space budget. This at a time when we have surpluses.

I do not think the public understands why we should go through such an exercise that we have to cut $60 million out of the space program in order to fund $60 million in the veterans account when we have the money to do both, and this is what we should be doing.

We should be plussing-up the account in research, as an amendment I had on the floor to do. We should be plussing-up the account for the State veterans homes, which I have an amendment to do, without having to take from NASA.

My colleagues, we all know, we all know we have the money to do this. This is an absurdity. This is a game we are playing here that puts us in very low esteem with our constituents who say, when the gentleman from Florida said he represents the place where they have the fourth highest veterans and he also is strongly in support of the space station, his constituents have to say well, why not do both, and they are right.

We should be doing both, and though I support the plus-up of $30 million in the State veterans home account, I would have to underline what my colleagues from Texas said, this does not allow us to make up for previously approved projects and projects that have already been approved by their States which, with appropriated funds, we cannot make up that backlog with this plus-up.

We need an additional $50 million more. The amendments are absolutely right in that we need these plus-ups, and I am glad the chairman of the subcommittee understands that we were falling behind in those accounts and this House has catched up, but I need to point out the absurdity of the rules we are under, which force us to take money from another account which is absolutely vital also to our future as a civilization.

Mr. Chairman, I would urge somehow that the Committee on the Budget and the Committee on Appropriations would put us into realistic situations without forcing us to make these kinds of choices which are not mandated by the reality of our funds today.

Mr. BLUMENAUER. Mr. Chairman, I rise in support of the Ney-Gutierrez-Tancredo en bloc amendment that adds funding for VA medical research and for grants to states for extended care facilities for our aging veterans.

This bill before us tonight demonstrates the effect of poorly-placed priorities created when the majority voted for a budget agreement that spent too much on military largesse and tax breaks for the wealthy. We did not place a sufficiently high priority on our nation's veterans programs in this year's budget allocations. As my colleague BARNEY FRANK observed, we are suffering from a self-inflicted wound.

In fact, this VA–HUD bill provides $2.5 billion less than the Administration's FY 2001 budget request. We have a responsibility to keep our promises to our veterans.

As a nation, we have special obligation to our veterans. They have earned benefits that they receive from a grateful nation. The service and sacrifice, blood, sweat and tears of men and women who have served in our Armed Forces has allowed for the historic prosperity we now enjoy. Caring for our veterans is a legitimate cost of national security, yet we do not seem willing to spend an adequate amount on that care.

This year, we are spending 52% of our discretionary budget on the military but not enough on those who have already served: our nation's veterans whose funding is dependent on this much smaller appropriations bill that is before us tonight.

We are spending $46.8 billion for veterans' health care, research, and medical facilities. Funding for military activities, including our nuclear weapons stockpile, will total some $311 billion this year. We owe our veterans more than they are receiving.

We are spending $22 billion more in this year's defense appropriations bill than we did in last year's; by comparison, funding for Department of Veterans Affairs medical and prosthetic research is the same in this bill before us last year's funding: a mere $321 million.

The $62 million for major construction and improvement of VA facilities is 5% less than we spent last year. "Minor" construction projects—those costing less than $4 million per project—and extended care facilities are each given a third less funding than they received last year.

This budget falls half a billion dollars short of the level called for in The Independent Budget, proposed by Disabled American Veterans, Paralyzed Veterans of America, and other veterans' groups. Over the past decade, federal spending for veterans' health care has fallen dramatically short of keeping pace with medical inflation. These shortfalls have forced VA medical facilities nationwide to cut services, delay and even deny care to veterans in need.

Without adequate funding, the VA, created to meet our nation's obligation to its former defenders, will be unable to meet its obligations to veterans. It is time to acknowledge the sacrifices our veterans made and to honor our commitment to them. They answered their call to service long ago; now we must answer

back by ensuring them a secure and stable future.

Mr. HILLEARY. Mr. Chairman, first I would like to commend Chairman WALSH for the hard work he and his staff put into crafting such an excellent bill. I would also like to thank him for including this, as well as the other important amendments in his en bloc request. For the second year in a row, he has made astounding and much needed increases in many veteran's programs.

Today I rise in support of this amendment to increase the funding for the veterans state-extended care facilities. These facilities in my opinion are imperative to the mission of providing quality health care to those who dutifully served our country.

These veterans homes are the largest provider of long-term nursing care to our veterans. They enable the Veterans Administration to ensure quality nursing care to veterans that cannot receive proper treatment through any other means. Many of the men and women who served our country are bedridden due to service-related injuries. It is these veterans that the state-extended care facilities will serve.

Not only are these homes, nursing care units and hospitals necessary for proper care, they are also cost effective. If a veteran is forced to go to a private nursing home, the VA will reimburse that home on average $150 dollar per diem. Contrast that with the approximately $51 dollar per diem reimbursement to the State veterans homes for the same care. The same care for approximately one-third of the cost. I think you will agree that for this reason alone we should vigorously support these facilities.

Even with the Tancredo, Weller, Johns, Ryan, and Hilleary amendment enacted, we will fall far short of the funding commitment we have made to the States. The Federal Government has agreed to fund 65 percent of the construction costs for the state-extended care facilities. At this time, many States have already appropriated their share of the construction costs.

Aside from the current $126 million backlog of work due to years of underfunding, the Federal Government could be responsible for over $200 million in additional construction money, if all pending applications, as well as those that were grandfathered in under the Veteran's Millennium Health Care Act, are approved. Even with this amendment, we may still owe various States across the Nation up to $236 million.

There are approximately 10 million veterans over the age of 65. Our almost 67 million World War II veterans continue to require extensive health care that we are proud and obligated to provide. This country and the VA must be adequately prepared through proper funding to handle the challenge of ensuring the best possible care for the men and women who bravely served this Nation.

I ask that we strongly support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to this amendment.

Being fiscally responsible sometimes means making tough decisions. The gentleman from Colorado's amendment presents one such choice. It requires us to choose between spending more money to help states construct extended care facilities for veterans versus funding NASA research programs at the appropriated level.

Certainly, we own our veterans a great debt, and nursing home facilities for men and women who served this country are important. But I urge my colleagues to remember that H.R. 4635 already provides funding for this grant program. So even if this amendment fails, these grants will still be available for veterans' care.

I oppose this amendment because I believe it sacrifices one of our Nation's most important investments in order to achieve the amendment's goals. This investment, in science and engineering research, is critical to developing the technologies and know how that save lives, strengthen the economy, and help keep our defenses strong and our troops protected. Veterans are alive today because of past investments in science and technology. Don't we owe the veterans of tomorrow the same advantages? I think we do, which is why I oppose the amendment.

Investments in research and technology rarely pay off right away—certainly they cannot compete with the construction of a new building in terms of clearly recognizable short-term accomplishments—but they do pay off. The evidence for long-term payoffs from research and technology investments is impressive.

The research programs this amendment would take away from represent part of this long-term investment in research and technology. I urge my colleagues to protect them, and to vote ''no'' on the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the gentleman's amendment.

NASA's science programs are a critical component to enabling many of the technological breakthroughs that all of us enjoy. The importance of research and development and scientific discovery on our every day lives cannot be overstated. NASA in partnership with industry, academia, and other federal agencies perform research and develop technology which is fundamentally important to keeping America capable and competitive. Our nation's economic growth and prosperity are tied more closely than ever to technological advancement. We must ensure that NASA gets the funding necessary to continue to maintain America's leadership in technology.

The White House's recently released report on Federal R&D investment challenges the Congress to ''demonstrate strong bipartisan support for R&D'' and ''instead of slashing science and technology, we should accelerate the march of human knowledge by greatly increasing our investments in R&D.'' It took Congress five years to convince the Administration that past cuts to the space program were counterproductive. Now that the Administration has seen the light, I hope Congress will maintain its past commitment to science and technology by rejecting this amendment.

The amendment proposes to cut $23 million from NASA's Human Space Flight program. Although the amendment appears to save money by reducing a program's budget, in reality it only increases costs in the future by stretching out the program and delaying the scientific results and advances that the research promises.

We must continue to make investments in research and development, so that everyone will benefit from the discoveries and innovations which will improve our quality of life. I urge my colleagues to oppose the Gutierrez amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. WALSH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendments offered by the gentleman from New York (Mr. WALSH) will be postponed.

Pursuant to a previous order of the House, the Clerk will resume reading at page 9, line 4.

The Clerk read as follows:

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2002, $321,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $62,000,000 plus reimbursements: *Provided*, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2001.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,006,000,000: *Provided*, That of the funds made available under this heading, not to exceed $50,050,000 shall be available until September 30, 2002: *Provided further*, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAXMAN:

Under ''Department of Veterans Affairs, Departmental Administration'', on page 10, line 10 after the number $1,006,000,000, insert: (increased by $4,000,000 for transfers authorized by law; decreased by $4,000,000 from general administrative expenses)

Mr. WAXMAN. Mr. Chairman, last night we spent several hours debating the tobacco rider in this bill. As I explained last night, this rider defunds the VA lawsuit against the tobacco industry. I offered an amendment last night that would have allowed the VA to use funds from the VA medical care account to pay for the lawsuit. In opposing my amendment, I heard Member after Member say that they were not opposed to VA's tobacco litigation, rather they were just opposed to the source of funding.

My amendment today addresses this point. It lets VA fund the litigation from its general operating expenses, such as salaries and travel, not the medical care account.

Let me just quickly review the situation. In 1998, Congress voted to stop cash payments to veterans suffering from tobacco-related illnesses. As part of the Transportation Equity Account, Congress decided these payments could be better used paying for highway projects than to support our veterans. This was a bitter blow to our veterans. To lessen the impact on veterans, Congress told the VA and the Department of Justice to sue the tobacco industry. We promised that we would support this litigation and that if any funds were recovered, we would devote them to paying for medical care for veterans.

Now, we were very clear when Congress voted to take away the cash payments to veterans for tobacco-related illness. We promised veterans we would help them recover from the cigarette manufacturers the costs of treating tobacco-related illnesses.

The administration did what we asked them to do in 1998. The VA and the Justice Department filed a suit to recover the medical expenses incurred by the Veterans Administration in treating tobacco-related illnesses. And under the legal provisions they are using, the Medical Care Recovery Act, all the money recovered will go back to the Veterans Administration, just as Congress urged.

This amendment that I am now offering, I think, meets the objections that were raised last night. The funds will not be transferred out of the VA medical account, even as we tried to limit it last night from that VA medical account for legal and administrative expenses. Instead, it will come from the operational funds from the Veterans Administration as well.

I know that the chairman of the appropriations subcommittee thought this was unnecessary, because he thought the Veterans Administration had the authority to do this, but we want to make it very clear that those funds will be available for this lawsuit; and I think we are addressing the main argument that I heard last night that our amendment was objectionable, because it took funding from medical care for veterans.

I hope that this amendment will be acceptable to the majority, and I would hope that they would agree with us and allow us to pass this amendment and to permit the lawsuits to be funded that I think will have enormous benefits for the veterans and for the taxpayers of this country. On that basis, I ask your support for the amendment.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we had some discussion on this yesterday, about 3½ hours' or 4 hours' worth; and we tried to make the point over and over that veterans' medical care funds were sacrosanct.

□ 1800

We were not going to those precious funds to be used for anything other than what they were intended.

So when the gentleman came back with an amendment that talked about using administrative funds, I have no objection to that amendment. We believe the amendment is superfluous. It really accomplishes nothing. The amendment really is not necessary. We made that point again and again, that it is the medical care funds that we were protecting in the bill.

Our language specifically denotes medical funds shall not be used. All other funds within the bill are open and available. There was no prohibition, no restrictive language on any of those other 17 areas of funding.

So the gentleman's amendment makes administrative funds available for the Justice Department lawsuit. We believe in effect they already are. The practical upshot of this is the Veterans Administration will have to come back to the Congress and ask for a reprogramming of these funds, and I would have no objection to that.

So, for those reasons, this side is prepared to accept the gentleman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not rise to be argumentative, and I am very grateful that the chairman has accepted the very wise amendment of the gentleman from California (Mr. WAXMAN), and I do want to add my support to it.

Mr. Chairman, let me also acknowledge that I wish to briefly comment on the previous amendment that was offered en bloc by the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Ohio (Mr. NEY), the gentleman from California (Mr. FILNER), and I believe the gentleman from Colorado (Mr. TANCREDO), to offer my opposition to the expenditures of funds on the amendment that would take monies out of the human space flight and other space programs, noting that those programs have been particularly efficient.

I comment on that particular amendment because the debate has been in this bill on the cutting of funds across the board. I think that is what defeated the Waxman amendment yesterday, which was the thought we were taking money out of the veterans health care.

I simply want to say this bill overall is bad because it cuts everyone, and we have enough money to be able to fund these important programs under the VA–HUD bill.

So I am hoping that we will have a bill ultimately, though I applaud the work of the committee, that will fund the various programs as they should, veterans health care, human space flight, NASA science aeronautics and technology, EPA programs and other programs that my colleagues would desire to support.

I support the Waxman amendment, and I oppose the previous amendment that was discussed.

Mr. WAXMAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I appreciate the gentlewoman's support and the willingness of the chairman of the subcommittee to work out this issue so that we have this amendment before us today. I just want to note for the record that it is not my understanding that this will require a reprogramming of funds. We believe that this amendment authorizes the use of those funds. That may have to be determined later. I do want to note we may have a disagreement on the consequences.

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, there is some confusion about exactly how this would come back. If it was in the budget request, then it would be clearly not subject to reprogramming. I will be willing to work with the gentleman as we go down the road on this issue. But, as I said, I have no objection to the gentleman's amendment.

Mr. MORAN of Virginia. Mr. Chairman, tobacco use kills 430,000 people a year. That's more than the number who die from murder, suicide, AIDS, alcohol and all illegal drugs combined.

The number of people suffering from tobacco-related illnesses today is in the millions. A great many of these deaths are attributable to deliberate congressional action over the years of subsidizing tobacco companies financially through farming, marketing and export.

The Congress gave support and credibility to the public statements of tobacco companies that smoking tobacco wasn't harmful.

And perhaps the most culpable congressional act was to include cigarettes in the package of sea rations and authorized supplies that we provided our soldiers, sailors and airmen.

We encouraged our brave, strong, patriotic servicemen to smoke cigarettes. We instructed them to "light 'em if you had 'em"—and of

course because we supplied them, most of them had 'em.

And now those very same soldiers are now paying the price of that official policy. They're suffering from emphysema, cancer of the lungs, and the larynx, and the mouth and the throat.

Well, the decades of deliberate deceit by the tobacco companies has finally been exposed.

But they've already made their millions selling cigarettes to the military, they've made their billions selling to the American public and they're still making billions marketing an instrument of death and suffering to the rest of the world.

But what of our veterans who sacrificed their lives to serve their country. Those strong, brave soldiers are lying in homes and hospitals, suffering ignominious suffering and death. They're paying the real price of corporate deceit and congressional consent.

Why shouldn't those tobacco companies at least pay for some of the price of those trusting soldiers' health care?

This amendment says they should. We protect tobacco companies from the legal means of making them responsible.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $106,889,000: *Provided*, That travel expenses shall not exceed $1,125,000: *Provided further,* That of the amount made available under this heading, not to exceed $125,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $46,464,000: *Provided*, That of the amount made available under this heading, not to exceed $28,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $62,140,000, to remain available until expended: *Provided*, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2001, for each approved project, shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2001; and (2) by the awarding of a construction contract by September 30, 2002: *Provided further*, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: *Provided further*, That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until 1 year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $100,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: *Provided*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $60,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2001 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the ''Medical care'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2000.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2001 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2001, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2001, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2001, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. (a) Notwithstanding sections 1710B(e)(2) and 1729B(b) of title 38 United States Code, and any other provision of law,

any amount received or collected by the Department of Veterans Affairs during fiscal year 2001 under any of the following provisions of law shall be deposited in the Department of Veterans Affairs Medical Care Fund, to be available in accordance with section 1829A(c) of title 38 United States Code:

(1) Section 1710B of title 38 United States Code.

(2) Section 1722A(b) of title 38 United States Code.

(3) Section 8165(a) of title 38 United States Code.

(4) Section 113 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; of title 38 United States Code.

(b) Provisions of law referred to in subsection (a) shall be treated as provisions of law referred to in subsection (b) of section 1729A of of title 38 United States Code, for purposes of subsections (d), (e), and (f) of that section during fiscal year 2001.

SEC. 109. In accordance with section 1557 of title 31, United States Code, the following obligated balance shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure until September 30, 2003: funds obligated by the Department of Veterans Affairs for a contract with the Institute for Clinical Research to study the application of artificial neural networks to the diagnosis and treatment of prostate cancer through the Cooperative DoD/VA Medical Research program from funds made available to the Department of Veterans Affairs by the Department of Defense Appropriations Act, 1995 (Public Law 103–335) under the heading ''Research, Development, Test and Evaluation, Defense-Wide''.

SEC. 110. As HR LINK$ will not be part of the Franchise Fund in fiscal year 2001, funds budgeted in customer accounts to purchase HR LINK$ services from the Franchise Fund shall be transferred to the General Administration portion of the ''General operating expenses'' appropriation in the following amounts: $78,000 from the ''Office of Inspector General'', $358,000 from the ''National cemetery administration'', $1,106,000 from ''Medical care'', $84,000 from ''Medical administration and miscellaneous operating expenses'', and $38,000 shall be reprogrammed within the ''General operating expenses'' appropriation from the Veterans Benefits Administration to General Administration for the same purpose.

SEC. 111. Not to exceed $1,600,000 from the ''Medical care'' appropriation shall be transferred to the ''General operating expenses'' appropriation to fund personnel services costs of employees providing legal services and administrative support for the Office of General Counsel.

SEC. 112. Section 9305 of Public Law 105–33, The Balanced Budget Act of 1997, is repealed.

SEC. 113. None of the funds in this Act may be used to procure information technology systems, engage in new initiatives, or implement a policy affecting total procurement costs over $2,000,000 in non-medical resources and $4,000,000 in medical resources without the approval of the Department of Veterans Affairs Capital Investment Board.

VACATING REQUEST FOR RECORDED VOTE ON AMENDMENTS OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the request for a recorded vote on the amendments offered by myself be vacated, to the end that the voice vote thereon be taken de novo.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. WALSH).

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND (HCF)

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $13,275,388,459 and amounts that are recaptured in this account and recaptured under the appropriation for ''Annual contributions for assisted housing'', to remain available until expended: *Provided*, That of the total amount provided under this heading, $9,075,388,459 and the aforementioned recaptures shall be available on October 1, 2000, and $4,200,000,000 shall be available on October 1, 2001, shall be for assistance under the United States Housing Act of 1937 (''the Act'' herein) (42 U.S.C. 1437): *Provided further*, That of the total amount available for use in connection with expiring or terminating section 8 subsidy contracts, up to $37,000,000 shall be available for assistance under subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act for use in connection with the renewal of contracts, which contracts may be renewed noncompetitively and for one-year terms, in addition to amounts otherwise available for such renewals: *Provided further*, That the foregoing amounts be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the Act (47 U.S.C. 1437f(t)), and contracts entered into pursuant to section 441 and, for terms of one year, section 473 of the Stewart B. McKinney Homeless Assistance Act: *Provided further*, That amounts available under the first proviso under this heading shall be available for section 8 rental assistance under the Act: (1) pursuant to section 24 of the Act or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; (6) for renewal of assistance under the shelter plus care program; and (7) for the renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: *Provided further*, That of the total amount provided under this heading, up to $25,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of such Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: *Provided further:* That up to $192,000,000 from amounts available under this heading shall be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the Act: *Provided further*, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: *Provided further*, That of the total amount provided under this heading up to $66,000,000 shall be available for very low income families living in properties constructed under the low-income housing tax credit program as authorized, as long as the vouchers are awarded within four months after the rule implementing this program is finalized: *Provided further*, That of the total amount provided under this heading, up to $60,000,000 shall be made available for incremental vouchers under section 8 of the Act on a fair share basis to those PHAs that have a 97 percent occupancy rate: *Provided further*, That any funds appropriated in the immediately preceding proviso that are not awarded by February 1, 2001, shall be transferred to and merged with the appropriation for the ''Public housing capital fund'': *Provided further*, That the Secretary shall use up to $660,000 of the amount provided under this heading for monitoring public housing agencies that increase payment standards under the authority under section 8(o)(1)(E)(i) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)(E)(i) and for conducting detailed evaluations of the effects of using assistance as authorized under section 8(o)(1)(E): *Provided further*, That $11,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That amounts provided under this heading shall be available for use for particular activities described in any proviso under this heading only to the extent that amounts provided under this heading remain available after amounts have been made available for the activities under all other preceding provisos under this heading in the full amounts provided in such provisos; except that for purposes of this proviso, the first, second, and third provisos under this heading shall be considered to be a single proviso: *Provided further*, That of the balances remaining in the HCF account, $275,388,459 shall be rescinded on or about September 30, 2001: *Provided further*, That any obligated balances of contract authority that have been terminated shall be canceled.

AMENDMENT NO. 38 OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. MOLLOHAN:

Page 23, strike the provisos that begin on lines 6, 12, and 16.

Page 24, after line 19, insert the following:

For incremental vouchers under section 8 of the United States Housing Act of 1937, $593,000,000, to remain available until expended: *Provided*, That of the amount provided by this paragraph, $66,000,000 shall be available for use in a housing production program in connection with the low-income housing tax credit program to assist very low-income and extremely low-income families.

Page 25, line 1, after the dollar amount, insert the following: ''(increased by $200,000,000)''.

Page 25, line 19, after the dollar amount, insert the following: ''(increased by $127,000,000)''.

Page 27, line 23, after the dollar amount, insert the following: ''(increased by $30,000,000)''.

Page 29, line 24, after the dollar amount, insert the following: ''(increased by $43,000,000)''.

Page 30, line 20, after the dollar amount, insert the following: ''(increased by $395,000,000)''.

Page 35, line 16, after the dollar amount, insert the following: ''(increased by $215,000,000)''.

Page 35, line 17, after the dollar amount, insert the following: ''(increased by $5,000,000)''.

Page 36, line 13, after the dollar amount, insert the following: ''(increased by $80,000,000)''.

Page 37, after line 5, insert the following new item:

AMERICA'S PRIVATE INVESTMENT COMPANIES PROGRAM ACCOUNT

For the cost of guaranteed loans under the America's Private Investment Companies Program, $37,000,000, to remain available until September 30, 2003, of which not to exceed $1,000,000 shall be for administrative expenses to carry out such a loan program, to be transferred to and merged with the appropriation under this title for ''Salaries and Expenses'': *Provided*, That such costs, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is guaranteed, not to exceed $1,000,000,000.

Page 37, line 12, after the dollar amount, insert the following: ''(increased by $114,000,000)''.

Page 37, line 13, after the dollar amount, insert the following: ''(increased by $90,000,000)''.

Page 38, line 2, after the dollar amount, insert the following: ''(increased by $24,000,000)''.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order.

The gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, this bill unfortunately represents a series of missed opportunities, and housing is one of the areas in which those missed opportunities are most severe. The amendment I am offering proposes to alleviate some of the most serious shortfalls by adding just over $1.8 billion to the HUD title of the bill.

In saying the bill falls short of what is needed, I mean no criticism of the gentleman from New York (Chairman WALSH) and others involved in putting this bill together. They did the very best they could with the resources available to them. Indeed, the chairman and his staff have included some useful and innovative provisions that will do real good, such as the language allowing increases in the payment standard for Section 8 housing vouchers in areas with tight rental markets and high rents.

The basic problem for this bill is simply the majority party's budget plan provides insufficient resources for overall domestic appropriations, mainly in order to focus on an agenda of tax cuts targeted to the high end of the income scale.

My amendment contains no offsets. There really are not places in this bill with excess funding that could be diverted to other purposes. I understand my amendment is subject to a point of order, and I will withdraw it at the appropriate time. My purpose in offering the amendment is simply to encourage a debate about the levels of funding that are necessary and appropriate for housing programs.

Housing is an area where national needs seem to be more acute, despite the booming economy. Yes, more people have jobs than before and incomes are rising, but in many areas rents are rising faster than incomes. People working at modest wages are often finding it harder and harder to keep a roof over their family's heads.

HUD's latest report on housing conditions tells us that there are 5.4 million very low-income households with worst case housing needs; that is, households with incomes below 50 percent of the local median who are paying more than half of their income for rent and receiving no housing assistance whatsoever. The fastest growing segment of that group is people working full time.

According to a recent survey of six cities by the Conference of Mayors, waiting times to get in public housing average 19 months in most cities. Waiting times for Section 8 vouchers averages 32 months. Officials in those cities estimate that their housing assistance programs serve just 27 percent of eligible households.

Considering that we are in a period of strong economic growth and that the Federal budget is in the best shape it has been for decades, you might think we would be taking steps to deal with these housing problems. But, unfortunately, the bill before us takes a step backward in funding for housing and community development.

Some of our colleagues may disagree and insist that the bill really improves several billions of dollars of spending increases for HUD. Those increases are largely illusionary, Mr. Chairman. They reflect the fact that the subcommittee found less unused budget authority to rescind this year than last, and that old, long-term Section 8 housing assistance contracts have been expiring and now require new appropriations just to continue the old levels of assistance. When you remove those accounting factors, you find that essentially all HUD programs in this bill are either flat or decreased a bit. Now, that makes no sense.

For example, the bill provides funds for about 100,000 additional housing assistance vouchers as proposed by the administration to try to make at least a small reduction in the number of families with worst case housing needs. That is what this amendment does, Mr. Chairman. It provides funds for about 100,000 additional housing assistance vouchers.

Vouchers alone, however, are not enough. There is also a need for programs to help stimulate production of low-income housing. Ultimately, we may need some new programs in that area. As an interim step, my amendment puts a bit more money into those housing production programs that are in place, the home block grant for local governments, the Section 202 and Section 811 programs that finance development of housing for low income elderly and disabled people, and the Native American Housing Block Grant, just for example.

We should also remember the key role played by public housing. My amendment adds a bit for public housing capital grants to help chip away at the $22 billion backlog in public housing modernization needs, and gives operating grants a 4 percent increase to help cover rising utility and payroll costs. It provides a $100 million increase for Community Development Block Grants, instead of the $295 million decrease in the bill. The amendment also funds the administration's APIC initiative, as recently agreed to by President Clinton and Speaker HASTERT.

□ 1815

Unfortunately, that agreement between the Speaker and President Clinton is not funded.

The CHAIRMAN. The time of the gentleman from West Virginia (Mr. MOLLOHAN) has expired.

(By unanimous consent, Mr. MOLLOHAN was allowed to proceed for 1 additional minute.)

Mr. MOLLOHAN. Mr. Chairman, the increases in my amendment are fairly modest. Most programs would still be smaller than they were 6 years ago after adjustment for inflation. Indeed, several, such as housing for the elderly and the disabled, and homeless assistance, would remain below where they were 6 years ago in actual dollar

amounts with no adjustment for inflation or for anything else. There are very real needs for modest expansion of housing and community development programs. We can and should do better than the Subcommittee on VA, HUD and Independent Agencies had the resources to do in this bill. I very much hope we will be able to do better by the time this bill reaches the President's desk, and I know the gentleman from New York (Mr. WALSH) shares that hope as well.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to congratulate the gentleman from West Virginia for a most excellent statement. I would like to talk about housing and put it in the context of our national economy and try to talk about it in human terms.

We have had an absolutely wonderful economic run for the past 7 or 8 years. We have had unparalleled prosperity in almost all regions of the country. But unfortunately, there have been some people who have been left behind by that prosperity. Our economy is a dynamic capitalist economy, and we do not want to do things that get in the way of the entrepreneurial class being able to make the investments and take the risks that create progress in the economy and create jobs and create an even stronger economic tomorrow.

However, there are those in this society who are either not as lucky or who are not as innovative, or as aggressive as others; there are lot of them who are not as healthy as some of the big winners in our society. So in any humane society, what we try to do is to take the rough edges off what would otherwise be a Darwin capitalism and try to make capitalism safe for human participation. The way we do that is not by stifling entrepreneurship; the way we do that is by trying to recognize that there are certain basics that humans need no matter how lucky they are. One of them is a decent education, another is protection from environmental abuse and corruption, a third is the right to decent health care when they need it, and fourth is the need for shelter.

Now, we have seen one thing in this society which creates a lot of problems. We have seen the gap between the very wealthy and most others in this society grow at an astronomical rate. We see at this point that the wealthiest 1 percent of people in our society own about 90 percent of society's assets, economic assets. The number 1 asset which most families strive for is to own a home so that they can begin to build equity and get a piece of the American dream. But very often, in some of our own neighborhoods, the very prosperity that is experienced by some of our most fortunate citizens operates to reduce the ability of some segments of our society to even gain decent shelter.

Example: in some neighborhoods, the ability of those who have done very well in our society, to be able to afford to pay for anything they want, means that they raise tremendously housing costs in certain neighborhoods, they drive whole groups of people out of neighborhoods, and they make the costs for those who stay much, much higher. It is the job of government to try to mitigate that. That is what this bill is inadequate in doing.

The gentleman from West Virginia has laid out in specific programmatic terms what some of the problems are in this bill. I would simply say that the result of this bill failing to fully meet its responsibilities in order to provide additional very large tax cuts for those at the top of the economic heap, the result is that we do not create the kind of opportunity that we should for all Americans to have at least the basics in life.

Pope John Paul said many years ago that there ought to be certain norms of decency in determining who has how much of economic goods in any society, and I think that is a good way to put it. We are not meeting those norms of decency when we fail in our obligation to assure decent housing for every American, and this bill most certainly falls short. I, for one, cannot support it until it does.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(On request of Mr. MOLLOHAN, and by unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I just wanted to cite a statistic that I actually did cite in my remarks to bolster the gentleman's argument, that in this robust economy, that the housing conditions in the HUD report recently completed tells us that there are 5.4 million very low income households with worst case scenarios, they are called worst case households, that is households with incomes below 50 percent of the local medium who are paying more than half of their incomes for housing needs and receiving no assistance whatsoever. A great shortfall in the Section 8 vouchers.

There is a great need out there, as the gentleman is describing, and this amendment, if we get the money, eventually, hopefully we can, the budget resolution that was passed by the majority falls far short of that that would be adequate to meet these basic housing needs.

So at the end of the day, we hope that that money is available. However, as of this point in time, the budget resolution supported by the majority which supports tax reductions for high-income individuals and no support for those who are the most neediest in our society for the most fundamental need, which is housing, that this Nation should be providing, rather than considering the tax cuts. The priorities of the budget resolution are simply upside down when they provide for tax cuts for wealthy Americans and do not provide resources for the most needy in our society.

Mr. OBEY. Mr. Chairman, reclaiming my time, I very much agree with the gentleman.

I would close by saying just one thing. We talk a lot in this Congress and in this society about generational inequities. One of the worst things we do to the younger generation is to make it harder for them to buy that first house. I know that when I was first married, my wife and I were able to afford a house only because she cashed in her teacher retirement fund. We had the $900 that it took to get a down payment.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, there are not very many young couples today who can afford to buy a house for $900. I can see it in many of the young couples who I talk to back home during the weeks that I am back home, and I can see their frustration when they continually fall just short of being able to afford a first home or when rising interest rates put just out of reach that home that so many people desire.

It is very clear when we look at some of the sociological studies that one of the key ingredients to having a stable society and a society with a low crime rate and a high work ethic is housing ownership. People who own a stake in this economic are quick to try to protect that economy and the society that has made it possible. That is why I would urge the majority to review their decisions in this area.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York continues to reserve his point of order.

Mr. WALSH. Mr. Chairman, I move to strike the requisite number of words. I do insist on my point of order. I would like to explain briefly on the merits of the point of order. First of all, the expenditures that are suggested are not offset, and that is, in the parlance around here, offset. The idea is that if we offer expenditure changes

within the bill, we have to provide funds to back them up, to transfer funds from one account to another. This amendment does not comply, and it does not provide those funds.

There is also additional new authorization in the amendment. As the Chairman knows, this is the Committee on Appropriations. The authorizing committee, the Subcommittee on Housing of the Committee on Banking and Financial Services should pass that legislation on to us and then we appropriate the funds. This has not been accomplished.

So for those reasons, I believe this amendment is out of order.

On the issue of Section 8 housing vouchers, I would just like to make a couple of points. We have provided $13.275 billion for Section 8 housing vouchers, $4 billion above last year. No matter how much money we provide, the administration wants more. No matter how much money our side is willing to spend on any item, the other side is always ready to spend more. But these expenditures need to be based on reality. Part of the reality here is that the Department of Housing and Urban Development has been provided billions of dollars for housing vouchers for poor people, and by the way, the Section 8 program initially was sponsored by people on this side of the aisle. We think it is a good program. As we reduce the amount of public housing, the incremental vouchers take up the slack, people go out and they find an apartment, and the government helps to subsidize the cost of that apartment for people with low incomes. It works pretty well if it is administered properly, but right now, Mr. Chairman, it is not being administered properly. Mr. Chairman, 247,000 vouchers that we appropriated and provided for, that Congress provided for have gone begging; 247,000 American families that need those new commerce are not getting them. My good friend and colleague pointed out that HUD had a study that there are millions of Americans that need these vouchers, and yet, HUD is not complying with the law. They are not providing those individuals those vouchers.

That is what we appropriate these funds for. When those funds do not get spent, what has happened in the past is that the administration then comes back and says, ''Aha, we have money laying around that did not get spent, we will use that for other expenditures.'' So they use HUD as a bank to come back and find money and then redistribute it somewhere else, so it looks like they have helped poor people, but, in fact, they have not. The administration has taken that money and used it for defense or for transportation or some other area of expenditure. We do not think that is the right way to proceed.

So we funded the section 8 vouchers fully; and we have also said that those funds, if there are any funds laying around at the end that do not get spent, and as history would show, that is what will happen, we said, those funds must also be used for an additional 10,000 vouchers. We think that is what these funds were for.

So I would reserve my point of order against the amendment and await the ruling of the Chair.

□ 1830

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am standing to support the Mollohan amendment, and having come from an area such as the one I represent, many of the arguments that I hear regarding housing I have to refute many times because of my experience in working with low-income people.

I think that our chairman and our ranking member have done a very credible job, Mr. Chairman, at the level of the subcommittee funding. But there are numerous funding problems in the bill which I have alluded to before.

The one that I have specific interest in at this point is the lack of funding to help the poorest of the poor people obtain decent housing. I want Members to look at this picture and put a face on it, as I have to almost every day in my district. That is, we are living in the era of the greatest economic prosperity that this Nation has ever had, but even this economic boom has created a housing crisis for many Americans.

Because of the population growth, many of the problems we have heard our very fair chairman, the gentleman from New York (Mr. WALSH) talk about must be viewed from the point of view of putting a face on this problem.

Let us look at vouchers. In terms of these housing authorities having enough vouchers, I think that the chairman has a point there, but what the chairman has not realized is that many of the large urban areas like Miami and some of the other areas cannot get enough vouchers to meet the need because some other areas have the vouchers and are not using them. We cannot get them to the people in Liberty City as much as we should.

Whenever there is any kind of crisis there, when the sewers run over and when there is a crisis regarding housing, we cannot get the number of vouchers that we need. We cannot get them because they have utilized all that they had.

The other thing is that we must realize that there is a crisis in housing. We are not just dealing with pious platitudes here, we are dealing with real live people who do not have housing. There are over 5 million families who pay more than half of their income in housing.

We are told all the time, and we hear this all the time, that housing assistance is important to this affordability problem. We believe that. But these incremental vouchers are not what they are cooked up to be.

First of all, when we hand a poor person a voucher and tell them, look, go and find someplace to live, that is not as easy as it sounds here on this floor. It is very, very difficult. There are many people who I am hearing from every day in my district. Some people over on this aisle do not want any more middle- and low-income people coming to those areas. We have to fight that. The other thing is, rental housing is hard to find in some of these areas.

So I want Members to look at this picture I am talking about because it paints a new face on this problem of vouchers. Vouchers work, but the average waiting period for a Section 8 voucher is about 2 years. There is a backlog in the cities, the large urban areas I have spoken about.

In virtually every urban area in this country people making the minimum wage cannot even afford a medium-priced apartment rental. Housing vouchers make that possible and they do it by putting in private sector housing.

Yet, the bill fails to fund the President's request for 120,000 additional incremental housing vouchers. Despite the claims, it is debatable whether or not this bill would provide HUD with any new vouchers to help our families find safe, decent, and affordable housing. The bill as written claims to allow HUD to provide up to 20,000 additional vouchers, but we think this is just funny math, Mr. Speaker, or what we call creative accounting, because these additional vouchers are only funded in the bill through overly rosy and optimistic estimates of recaptures of unused Section 8 funds.

HUD will only have these vouchers available if the Department recaptures more funds than the amount HUD itself says can be recaptured. According to what I have learned, Mr. Speaker, HUD does not even expect these recaptured funds to be available.

We would never treat rich people this way. We can bet they get hard cash to meet their needs. Yet poor families are shunted aside with the promise that they may even get a voucher, and it may not pan out.

Refusing to provide these additional incremental housing vouchers means that families will have to continue to live in substandard housing, housing that is overrun by roaches and rats and vermin. We can do better in this country. We are a very prosperous country. I appeal to the committee to accept the Mollohan amendment. It is a credible amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. Much has been said

and made about the housing vouchers, and that our bill turns its back on those most in need. However, it is not this bill but the Department of Housing and Urban Development itself which has, through its own dinosaur-like behavior, contributed to the very housing crisis that some have ascribed and attributed to Congress.

HUD has, by any admission through our public hearings, been seen to be incredibly slow in awarding Section 8 vouchers. This results in the recapture that the gentleman from New York (Chairman WALSH) alluded to of funds because HUD does not spend them fast enough on the programs for which they were intended by Congress. The recapture would be equivalent to about 237,000 vouchers, because they do not spend down the money quickly enough.

With our tight budget allocation today, it makes no sense to fund a richer program that HUD has shown it simply cannot deliver. The Congressional Budget Office has estimated the spend-out rate at an extremely low 6 percent to begin with. Now the spend-out rate is projected by the CBO at an unbelievably low 1 percent.

This inefficiency is unacceptable; even more unacceptable given the fact that Secretary Cuomo has the use of his community builders to expedite the process and overcome bureaucratic hurdles within this huge bureaucracy.

HUD's policy should be, Mr. Chairman, to get the programs to the people as soon as possible. We have the same situation where fiscal year 1998 funds did not reach the street until October of 1999. Congress provided 50,000 vouchers in fiscal year 1999 and 60,000 vouchers in fiscal year 2000. We should not double the amount of vouchers, as some have suggested, when HUD does not award the ones already in the pipeline.

The bill before us includes language, thank goodness, to push HUD to do a better job, to move this huge bureaucratic dinosaur to do the job for the people who need public housing.

This bill also provides sufficient money to renew all expiring Section 8 contracts at a 100 percent rate, and to provide relocation assistance at the requested funding level. HUD should administer the current programs with a higher degree of efficiency before Congress expands it.

I oppose the amendment and support the bill, Mr. Chairman.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the indulgence of the chairman of the subcommittee, and I want to speak strongly in support of the Mollohan amendment.

Mr. Chairman, this appropriations bill as it comes before us exemplifies a very dangerous trend in America, and we have been manifesting it in various ways in this House.

We are at a time of great prosperity. The free market system as it works in this country with the cooperation of many branches of government, of the private sector, obviously, of labor unions, that private sector is generating wealth at a rate unheard of in human history.

That is a very good thing. A large percentage of our population is living in material terms better than we ever thought such a large number of people could live. But that very fact, as the gentleman from Wisconsin and others, the gentleman from Florida, have pointed out, exacerbates the problem for those among us, and they are in the millions, who through no fault of their own are not the beneficiaries of this prosperity.

Alan Greenspan has acknowledged that trade, globalization, helps some Americans and hurts others, not because of their inherent worth or lack of worth but because of where they were placed in the economy.

So we have a situation where, in many of the metropolitan areas in this country, it has become more and more expensive to live. That reflects the fact that a large number of people who want to live in those metropolitan areas have more and more money, but it also means that those who do not have money, and they number in the millions, the tens of millions, are disadvantaged.

In this bill, in other appropriations bills, in immigration legislation, in tax legislation, in public policy area after public policy area we help the wealthy, which is a good thing. That is part of our job, to help people who are productive and are making wealth do better, and we do that well; but we at the same time turn our backs on people at the low end.

People wondered, how come there was such a debate over China trade? Because there are so many economists and financial sector people, that was an easy one. Why is there resistance among America's historically generous people to globalization?

Here is why, because when we have a situation in which the rich get richer and the poor and working class gets poorer, that is a problem. It is not simply that the rich are getting richer and the poor are not getting richer at the same pace. We are talking about real drops in people's incomes if they are in basic manufacturing. We are talking about people living in cities for whom housing prices have gone out of sight, who have to move out of areas where they already live, who cannot find decent housing, who find housing only if they have to pay far too much money.

Mr. Chairman, it is not simply housing. We have had a big debate on Section 8s. I agree there are Section 8s that do not get used. I will tell the Members why in the area I represent, because we do not put enough money into the Section 8s. Housing rents have outpaced the fair market rents that we pay, so we make it worse when we cut the budget, when we begrudge relatively small amounts of the vast resources this country has for low-income people.

They say it is because it is not administered well. What about community development block grants? The community development block grant program is a Nixon program whereby the Federal government simply passes through money to cities and to States and they are allowed to spend it within a broad range of flexibility.

What have they done? They have cut it. This budget cuts community development block grants, a program on which HUD simply serves as a pass-through to local communities.

A few years ago Congress changed under the Republican rule the way public housing is governed. We were told they have really fixed it up. Why, then, is the public housing capital fund underfunded? Why then are the people who live in public housing, who live in an area now where they say they have improved the administration, are they given less money than they need significantly, less money than they got last year for the physical repair of public housing?

Part of what is going on is that we know, some of my friends on this side will privately acknowledge, this is not a real budget. They understand that this is too little. What they are saying is, let us get this budget through, this appropriations bill, and let it go over to the Senate, and let us get into negotiations with the President. Then the real budget will emerge.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. In other words, to the Members of this House, do not expect to make the real decisions. Pass through a budget, an appropriations bill, that we know is inadequate, that we know denies to the very needy people important programmatic resources, many of which are well spent.

We talk about the Section 8 problem being terrible, but the previous speaker, the gentleman from New Jersey, correctly pointed out that one of the things we have done is to spend money to preserve the existing Section 8 tenancies. Why are we preserving them? Overwhelmingly, we do that because the people who live in those units which were created by Federal funds are so fond of their housing that they put pressure on Members of Congress,

so Members of Congress who voted against the program, who voted against funding the programs, vote to keep the programs going so people can continue to live there.

We have housing programs that are not perfect, but they do a very important job of trying to alleviate the severe economic distress of tens of millions of our citizens who are not participating in the general prosperity.

When we bring forward a bill that say we will do less of that this year in real terms than last year in the face of this great prosperity, we are not serving the basic values of the country. So I hope the amendment is adopted.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will ask for a colloquy with the gentleman from New York (Mr. WALSH), the distinguished chair of our subcommittee.

Mr. Chairman, as the chairman knows, I have an ongoing concern regarding the adequacy of HUD's programs for providing housing for the mentally ill. This year the committee is recommending level funding at $201 million for the Section 8–11 disabled housing program, and this is $9 million below the administration's request. These funds provide housing for both mentally and physically disabled people.

The administration's request estimated that 5,454 new housing units for the disabled would be available with this increase in funds. Would the chairman kindly tell me how many new units of housing for the disabled would be available under the committee bill?

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, let me thank the gentlewoman for offering this colloquy and for her service on the subcommittee. She does a great job. I am sorry I missed my cue there, but I think I am back in form.

□ 1845

According to HUD, the bill provides sufficient funds for 3,321 new units, which, according to HUD's estimates, is a reduction of 200,133 units.

Ms. KAPTUR. Mr. Chairman, as I know the gentleman from New York (Chairman WALSH) is aware, appropriate housing and services for the disabled can vary widely. In the case of some mentally disabled individuals, their needs may simply be a home where they can feel safe without any special physical adaptations. But for those with severe physical disabilities, a home might require significant physical accommodations. The administration's justification for section 811 funds is unfortunately silent on how this continuum of care for the disabled is and will be met.

Will the gentleman from New York (Chairman WALSH) agree to assist me in assessing how well HUD is progressing in achieving the goal of providing adequate and appropriate housing for all of America's disabled populations?

Mr. WALSH. Certainly, Mr. Chairman. As the gentlewoman from Ohio knows, the gentleman from New Jersey (Mr. FRELINGHUYSEN) has been a very active advocate for the housing needs of the disabled population, and I have worked very well with him in the past on this issue, and I am pleased to have the participation and support as well of the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. My impression, Mr. Chairman, is that the disabled are currently underserved by section 811, and I am sure that the gentleman from New York would agree with me that we are not currently meeting the housing needs of the disabled. I further ask the gentleman from New York (Chairman WALSH) to work with me as we go to conference to improve the overall level funding for section 811.

Mr. WALSH. Mr. Chairman, the concerns of the gentlewoman from Ohio (Ms. KAPTUR) are quite valid, and they deserve our attention. I will certainly do my best as this bill goes through the appropriations process.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from New York (Chairman WALSH) very much for his leadership on this issue and so many others.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I come to the floor to certainly join my colleagues, and I do appreciate the work of this committee; and I think it has been stated earlier the frustration in which we are operating because, in contrast to what the appropriators have had to work with, we have an enormously booming economy.

So this amendment of the gentleman from West Virginia (Mr. MOLLOHAN) is one that really should garner all of our support. Unfortunately, it is subject to a point of order; and, frankly, it should not be because we are in one of the most prosperous times that we could ever be in in both the last century and in this century.

I would venture to say, if we took some of the most prosperous cities in America, we would still find individuals who are unhoused, who are in housing that is unacceptable, who are homeless and are in need of the funds particularly utilized in programs of HUD.

HUD is one of the larger agencies, and it has one of the largest cuts in this appropriations process. Although my colleagues have supported the FHA loans, which certainly are meritorious, and the renewal of existing section 8A subsidies, my colleagues, however, on this appropriation on this subcommittee has provided less money for the housing programs than we have seen over the years.

I believe that it is time that we acknowledge the prosperity and to function with that. We do not have funding for empowerment zones. We do not have funding for new markets. We do not have funding for APIC. The section 8 that we do fund can afford to have more dollars. The good news is that section 8 vouchers can be utilized for buying housing.

What greater opportunity for those who are working and have less opportunities for them to take the dollars that were used previously for rental subsidies to be able to buy a home.

But if we continue to cut and undermine the housing subsidies that are given through the Federal Government, then we continue to emphasize that those who cannot meet the market cannot buy in the market because their income does not allow them to do so, a continuously increasing market, then we will not provide for them; they just do not get housing.

I believe inadequate housing is indicative of many things: dysfunctional families, children moving from place to place, children not having a home school, if you will, a school that they go to on a regular basis because they are living with relatives because their family members cannot afford decent housing.

I do not believe that, in this most prosperous time, that we commend ourselves well as a body that has a responsibility for funding programs that help the least of those if we do not provide the adequate funding.

The billion-dollar amendment that the gentleman from West Virginia (Mr. MOLLOHAN) offers that spreads out through a variety of HUD programs answers the needs that we have and particularly the needs of those who are not housed.

A recent study on housing needs found that more than 5.3 million low-income families do not receive any Federal housing assistance at all. We must ensure that these families receive the help that they need, and mostly because they are low-income working families and they do not meet the status or the standards or there is not enough money to assist them.

We can only do that if funding meets that need. By funding HUD by less than 8 percent than the President requested, we cannot possibly accomplish this goal. But more importantly, even if we underfund what the President has asked for, we are underfunding this

agency in great amounts, generally speaking, because there are large numbers of people who are still on waiting lists for public housing assistance and for section 8 certificates and for elderly housing.

So I would commend the gentleman from West Virginia (Mr. MOLLOHAN) for realizing that, in prosperity, we must always do more; we must accept the question or answer the question, can we do more. Yes we can. We can do more with the housing that most of the people in America would support when they find that people cannot get the housing that they need.

I am disappointed that we have not gone the extra mile. I would think that those who are in need would likewise challenge us to do more than we have done. Our elderly, our people who are unhoused, our people who do not have a sufficient amount of housing would ask us to object or eliminate the point of order and support the Mollohan amendment.

Mr. Chairman, I rise today to oppose H.R. 4635, the VA–HUD-Independent Agencies Appropriations for FY 2001. Although this legislation retains our commitment to the American people in some areas like NASA, it falls far short of an appropriations measure that the American people expect from the 106th Congress. Accordingly, the President would veto the bill in its current form.

The measure increases spending for VA programs (6 percent more than the current level), NASA (1 percent more) and NSF (4 percent more), but it cuts EPA, FEMA and other vital programs. This bill is lacking in basic funding needs that are critical to the American people.

The President's FY 2001 Budget is based on a sound approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit, and funds critical priorities for our future.

H.R. 4635 severely reduces our ability to address basic issues like poverty and the shortage of affordable housing and undermines investments in our communities. The elimination of funding for the Americorps program would deny over million young and impressionable Americans the opportunity to provide community services and become better citizens as participants in the Corporations' Americorps (62,000 participants) and Learn and Serve (1 million participants) programs. Nevertheless, we are living in unprecedented times of economic growth in America. Mr. Speaker, we cannot squander this historic opportunity to invest in America's future; the VA–HUD Appropriations measure risks doing just that.

I am very disappointed that the legislation increases spending for merely two HUD programs—FHA loans and renewal of existing section 8 rental subsidies—while providing less than even the current level for other HUD activities. Utilizing advance appropriations next year's budget and various gimmicks to give the impression that there isn't enough money to fund basic priorities is inconsistent with the needs of the American people. The reality is that we have a historic opportunity to continue paying down the debt while passing an appropriations measure that adequately meets the needs of those that have been left behind in the New Economy.

A recent study on housing needs found that more than 5.3 million low-income families do not receive any federal housing assistance at all. We must ensure that these families receive the help they need, and we can only do that if funding meets that need. By funding HUD by less than 8 percent than the President requested, we cannot possibly accomplish this goal.

Economic growth has done little to solve the housing problem in America. During the early part of the 1980s, the United States faced a slowing economy and worsening housing affordability. Even in the 1990s, the economy grew at a healthy pace; yet housing affordability for the poor continued to deteriorate. Today, housing needs are so acute that they are painfully visible in the neighborhoods of every major city in the United States, as the homeless have become a persistent part of our daily lives.

Although no requests for specific requests in congressional districts are permitted under the rule, we should recognize that the housing shortage in America continues unabated.

I have requested $35 million for the Supportive Housing Project for rental assistance to low-income families in Houston; $2 million for the Single Room Occupancy program which provides homeless persons in Houston with a private room to reside in, as well supportive services for health care, mental health; and job training; and $300 million for the Housing Opportunities for Persons with AIDS program that provides states and localities with resources and incentives to devise long-term, comprehensive strategies for meeting the home needs of persons with AIDS and their families.

We cannot afford to forget those in our society who are not reaping the rewards of this economic boom. Housing is a critical component of keeping America's families first.

Compared to current levels, the bill decreases funding for public housing modernization (3 percent), revitalizing severely distressed public housing (2 percent), drug elimination grants (3 percent), the CDBG program (6 percent), ''brownfields'' redevelopment (20 percent), and the HOME program (1 percent).

Moreover, the measures provides no funding for urban and rural empowerment zones, welfare-to-work vouchers, the Moving to Work program or communities in schools. What are we saying here today as a collective body? Are we saying we don't care about those in poverty-stricken areas? Should we ignore the hopes and fulfillment of dreams that the empowerment zones have shown in certain areas? We can and we should do better, Mr. Speaker.

I am also disappointed that this measure would prohibit the Veterans Administration from transferring any medical care funding to the Justice Department for use in the government's lawsuit against tobacco companies. This is merely a partisan tactic to distract debate from how to spend the federal budget to ongoing litigation by the Department of Justice, which has nothing to do with the underlying measure. Such riders make little sense and frustrate the goal of funding critical programs for our future.

Despite the shortcomings of this bill, there are some commitments that have been secured and need to be preserved. Our ability to reach the stars is an important priority, which will ensure that America remains the preeminent country for space exploration. Last year, NASA's budget was needlessly cut and I support every effort to increase funding during the FY 2001 appropriation process. Although this measure is destined to be vetoed in its current form, I believe the $13.7 billion appropriation, $322 million (2%) less than requested by the administration, could have been even more generous.

The measure provides $2.1 billion for continued development of the international space station, and $3.2 billion for space shuttle operations. We need to devote additional personnel at NASA's Human Flight Centers to ensure that the high skill and staffing levels are in place to operate the Space Shuttle safely and to launch, as well as assemble the International Space Station.

Mr. Chairman, I am proud the Johnson Space Center and its many accomplishments, and I promise to remain a vocal supporter of NASA and its creative programs. NASA has had a brilliant 40 years, and I see no reason why it could not have another 40 successful years. It has made a tremendous impact on the business and residential communities of the 18th Congressional District of Texas, and the rest of the nation.

In closing, I hope my colleagues will vote against this legislation so that we can get back to work on a bill that invests in America's future, especially to strengthen our resolve to make affordable housing a reality across America.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. MOAKLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I favor very much the amendment of the gentleman from West Virginia (Mr. MOLLOHAN). I hope it passes. But, Mr. Chairman, the VA–HUD appropriations bill that we are considering is really seriously underfunded. It is underfunding so many housing programs which is so vital to so many people in our country and many in my own Commonwealth of Massachusetts.

In this time of economic prosperity, it is important to remember where many people who are still struggling to get by every day, what is going to happen to those people and those who need the housing programs to put a roof over their heads.

Mr. Chairman, not everyone in this Nation is so lucky to own dot-com stocks. Not every family has seen the tremendous financial windfall that the Nation's booming economy has created.

This bill severely cuts housing programs by $2.5 billion less than President Clinton's requested amount. Nearly every program in HUD's budget is cut from the President's request.

I just cannot figure out why my Republican colleagues would not choose to fully fund affordable housing, which is so crucial to so many people in our country. Contrary to the belief of some of my colleagues, the HUD budget is not increased. In fact, this year's VA–HUD appropriations bill turns its back on the need for affordable housing. While the administration has requested 120,000 new section 8 vouchers, this bill does not include a single new voucher.

Community Development Block Grants, which are used to rebuild housing, improve infrastructure, and provide job training, among other things, are cut by almost $300 million.

Mr. Chairman, this bill cuts the HOME program, which helps local governments expand low-income housing, resulting in nearly 2,500 fewer households receiving critical assistance.

This bill provides no new funds for elderly housing, for homeless assistance grants, for Native American block grants. Mr. Chairman, it cuts housing opportunities for people with AIDS to the extent of 5,100 fewer people with HIV/AIDS will not receive housing assistance.

Mr. Chairman, this bill also cuts $60 million in Hope 6 funds which are used to revitalize severely distressed public housing.

This bill has a devastating effect on my own congressional district as well. In Boston, overall funding from HUD would be cut by $16.1 million. In Boston, these cuts would mean we would not be able to provide English language to GED instruction, youth programming and after-school care to more than 1,300 children and adults.

Under this bill, Boston would be forced to turn away 3,000 potential first-time homeowners from the home buying classes. My city would also have to scale back its main street programs which develop neighborhood business districts.

Mr. Chairman, these are real programs. They help real people across this entire country as they strive to live with dignity. But today this Congress is going to cut those programs. Why? Because, Mr. Chairman, my Republican colleagues are so committed to providing tax relief for the wealthy Americans on the backs of those who literally need the programs to survive.

I hope the amendment is adopted, but I hope the bill is defeated.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am moved sitting here to think I am living in la la land somewhere. May I please ask the gentleman from New York (Mr. WALSH), chairman of this subcommittee, where is he from?

Mr. WALSH. Mr. Chairman, will the gentleman yield.

Mr. HASTINGS of Florida. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I am from the State of New York.

Mr. HASTINGS of Florida. Mr. Chairman, is the gentleman from a city in the State of New York?

I yield to the gentleman from New York.

Mr. WALSH. Yes, Mr. Chairman. I was city council president in the city of Syracuse, and I served on the city council for 8 years.

Mr. HASTINGS of Florida. Mr. Chairman, that is what I thought. I ask the gentleman from New York, is there low housing stock in Syracuse?

Mr. WALSH. Mr. Chairman, if the gentleman will yield, we have a public housing authority, one of the best run housing authorities in America.

Mr. HASTINGS of Florida. Mr. Chairman, reclaiming my time, the gentleman from New York also has a ghetto. We have ghettos all over this country. I am surprised that we would come down here and argue to the people that we want to cut out an opportunity for low-income people to have adequate housing.

One of the problems in this country is the inseparable triumvirate of inadequate jobs, inadequate housing, and inadequate educational opportunities. One can go to Syracuse, and I have been there, and I will show one where the ghetto is. One can go to Fort Lauderdale or in Miami, the district of the distinguished gentlewoman from Florida (Mrs. MEEK), who spoke earlier, and I will show one a place where there is a necessity for added housing in this country.

At one point in the 1960's, I considered, as a lawyer, changing my entire practice to trying to help the low-income people of this country. At that time, the then HUD–FHA programs were 221D(3), 221D(4), 221H that did rehab of all properties. Along came Richard Nixon in 1968 and doggone if we did not cut out all of those opportunities. Real estate investment trusts attracted those persons who had high income to come into low-income areas to help build the housing stock.

Now, from the gentleman from New Jersey (Mr. FRELINGHUYSEN), who I heard argue that the spend-down rate has been poor, one cannot spend where there is nowhere for a person to buy.

We do not have adequate housing in this country. Therefore, if one had all of what everybody is arguing, one still would not have low-income housing stock because it has been on the decrease.

Please come go with me in Washington, D.C., and let me show my colleagues boarded-over places, just like in Syracuse, I say to the gentleman from New York (Mr. WALSH), just like in New York City, just like in Chicago and all over this country we find this.

Our charge is to help the least of those among us. What we have done is turn it on its head in this House of Representatives. We have helped the least all right. The least which control most of everything in this country are now gaining the most. None of us are to begrudge them, but that does not mean that the least of us should not be helped.

How dare we not accept the program like the gentleman from West Virginia (Mr. MOLLOHAN) has offered and allow for us to be able to at least address minimally a problem that all of us know that is developing.

The gentlewoman from Texas (Ms. JACKSON-LEE) spoke about how this creates dysfunctional families. It also helps to breed crime. It helps to breed all of those things about our society that all of us find repugnant. Yet, we come here and think that these people are supposed to be ignored.

This is the same Federal Government that allowed for banks to build all of these things all over this Nation and redline other communities and not give them an opportunity to have their communities developed.

In the area where I am from, from Fort Lauderdale, I have supported every Chamber project, I have supported every one of the tax situations that allowed for the development of the downtown area. All around me, everywhere around me, other than where I live, has developed in a mighty way.

I am proud to be a part of that community. But I will be doggone if I can stand here and say that I am proud so much that I ignore those people in the areas that all of that prosperity is looming around, booming all over them, and busting them right in the mouth by saying to them that we cannot do a minimal housing program that will be advantageous to all of society.

□ 1900

Shame on this House. Shame on every one of us that does not support the Mollohan amendment, and shame on all of us that cannot believe that it is necessary to put a fair roof over the heads of every American no matter where he or she lives; those that are disabled, those that are sick, those that are elderly, those that are children, those that need the kind of assistance that we can adequately provide in the kind of prosperous times that we have. How dare we not do that.

I find it absolutely abhorrent, and I call on every Member of this House of Representatives to support the Mollohan measure. Yes, the gentleman from New York (Mr. WALSH) will move a point of order, but I can order him to look in Syracuse, where the gentleman

needs help in housing, and I certainly do in Ft. Lauderdale, and there are 433 other Members of this House with impoverished and rural areas that need adequate housing.

POINT OF ORDER

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. WALSH. I do, Mr. Chairman. I insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALSH. Mr. Chairman, as I stated earlier, I have a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill, therefore violating clause 2 of rule XXI. It also provides no offsets for the expenditures that are proposed, as called for under section 302 of the Budget Act.

The CHAIRMAN. Does the gentleman from West Virginia (Mr. MOLLOHAN) wish to be heard on the point of order?

Mr. MOLLOHAN. No, Mr. Chairman. I recognize that the gentleman has a valid point of order. We appreciate the opportunity to debate the issue here, and again we recognize the validity of the point of order.

The CHAIRMAN. The point of order under clause 2 of rule XXI is conceded and sustained.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Mollohan amendment and in opposition to the VA–HUD appropriations bill, because I have some serious concerns about the negative impact this legislation will have on the quality of life for veterans and for those citizens who need public housing assistance.

This budget for VA–HUD proposes to cut $180 million for Section 202 housing programs, notwithstanding the fact that this is the funding which allows distressed housing authorities to demolish and replace decrepit housing which was mandated in the Omnibus Budget Act of 1996. The Congress has mandated that housing authorities in New Orleans, Philadelphia, Chicago, and other cities comply with new rules and new directives while, at the same time, cutting the money to make it happen. We cannot get blood out of a turnip, and we cannot make wood cabinets without lumber.

In Chicago, the Chicago Housing Authority has unveiled a bold plan for transformation. Components of this plan includes completely replacing the old out-dated, outmoded, socially irresponsible high-rise, densely populated semi-prisons with 25,000 new or newly rehabbed units of housing for families and the creation of new housing opportunities for senior citizens and people with disabilities.

Since half of the Chicago Housing Authority's existing stock falls under the Section 202 mandate, the CHA is counting on competing for Hope VI grants as the primary vehicle for change. The CHA will need to win Hope VI revitalization grants in fiscal year 2001 to begin rebuilding of its housing properties, with the one primary example being the infamous Robert Taylor Homes, which has produced 13 of the poorest 15 census tracks in the Nation, and is known as the center of poverty.

Under plans being drawn up with residents, the CHA is proposing to create new low-rise mixed income neighborhoods. These neighborhoods will be filled with quality housing, 50 percent of which is scheduled to be built by minority firms who will hire public housing residents. There will be new parks, new schools, new roads and infrastructure. These relics of past public policy failures will rise and give hope to thousands of people.

This fall, the CHA will take HUD's commitment to fund the CHA over the next 10 years and do something quite extraordinary. The CHA will sell bonds to the private market. And let me reiterate this last point. A public entity is taking Federal commitments from HUD for funding and taking them to the private market and asking them to underwrite the revitalization of the Nation's poorest neighborhoods. This type of public-private partnership to fund revitalization has never been done before.

A social nightmare has the possibility of being eliminated as we get rid of some of the worst housing in the Nation and create thriving new neighborhoods. And how is Congress proposing to respond to this bold Chicago plan for renovation? This House is proposing to cut $180 million needed to fund the first phase of this resurgence. We are stating to the private sector that this House does not have enough confidence in HUD or its funded agencies to pull off reform. We are saying that this Congress does not honor its commitments. We ask for the private sector to do its part, but we will not do ours. In short, we have dictated reform and retracted financial support. We want the rain without the thunder and the lightning. We will have summarily doomed reform before it has begun.

And what are the consequences? Instead of creating 25,000 units of quality housing, Congress will mandate the Chicago Housing Authority to demolish 19,000 units and keep 19,000 substandard ones. Instead of creating new construction jobs and business opportunities for small- and medium-sized minority ventures, Congress will close the door of opportunity. Instead of new schools, parks, roads, and needed housing opportunities for people of all incomes, Congress will have refueled segregation and pockets of poverty. And instead of demonstrating that government can be an active productive partner with private industry in the recreation of new opportunities for business and future customers, Congress will keep demanding compliance and reinvestment without demonstrating the will to put its money where its mandates are.

So I say to this Congress that without additional Hope VI funding, there is no hope. A promising future will be nothing more than broken promises. Those towers of misery will continue as barricades to advancement, locking future generations into poverty and preventing this country from wiping a terrible stain from its past.

Mr. Chairman, I urge support of the Mollohan amendment and urge that we vote down the cuts and raise hope.

Ms. SLAUGHTER. Mr. Chairman, I move to strike the last word.

I appreciate the hard work that my colleague, the gentleman from New York (Mr. WALSH), has done with the low funding allocations that he was given, however this spending bill makes cuts in Housing and Urban Development's efforts to address affordable housing, community development and economic development issues. I am pleased to take this opportunity to speak in support of the Mollohan amendment to increase the funding for the HUD housing programs by $1.8 billion.

This amendment addresses the drastic underfunding in this bill of several important HUD programs in the country and in my district. Under the President's budget, the Rochester, New York area would have received an increase of $4 million over last year. But, instead, under this bill being considered this evening, my district will have its programs cut by $400,000. These cuts mean fewer people will be able to purchase a home, fewer people with HIV/AIDS will receive housing assistance, less money is available to enforce fair housing laws, less money to fight against the widespread predatory lending practices, less money that can be used to deliver services to the homeless, and less money for elderly housing.

An elderly woman in Rochester contacted me frustrated about the critical shortage of affordable housing. The waiting list for this housing and the low maximum income limits on new and existing homes were a very great barrier to her, and she correctly pointed out that it will only get worse as seniors live longer.

She and her husband are ''too rich'' for low-income housing by $500 and too poor for assisted care senior housing. They also cannot find handicapped accessible housing, which is necessary for her husband, who has had a stroke. They are being forced to sell the home they live in and they do not know where they are going to move. She remarks, ''Our golden years have been very tarnished.''

Unfortunately, she is not an isolated case. With a record of $5.4 million unassisted low-income households in this

country having worst-case housing needs, and spending over 50 percent of their income on rent, the bill's low funding is inadequate. I urge my colleagues to do better in conference.

Mr. MEEKS of New York. Mr. Chairman, I move to strike this last word.

Mr. Chairman, I stand here in amazement over what we are about to do. We stand in this Nation on high moral ground as we criticize other nations across the world about human rights' violations and all other kinds of violations when we are about to do the worst violation we can do of one; the pride of one who is less fortunate than us to not have a decent roof over their heads.

How can we, in this time of fiscal prosperity, deny those who do not have a roof over their heads? How can we not increase funding for Section 8 when we have hundreds of millions of people who are waiting for decent homes in this day and age of fiscal prosperity? What is wrong with us? What is wrong? We talk about, and many of the individuals particularly on the majority party always speak of, fostering family values. How can we foster family values if we do not value the family? These families need a decent place to live and we must increase the HUD–VA budget.

When we had times of budget deficits, we were enacting in this Congress a sort of reverse Robin Hood, because everything that we did was take away from the poor so that we can balance a budget. Well, we have a balanced budget. We have a situation where we no longer are trying to figure out where dollars are coming from. In fact, we have surplus budgets, yet we will not restore budgets to where they once were.

What is wrong with us when we do not care about the elderly, the disabled? How can we stand here, the greatest Nation in the world, and talk about how great we are. What kind of example do we set for other countries when we do not take care of the least of our own? It is ultimately our responsibility to make sure that we take care of the least among us.

This Congress, in the manner that it is behaving, if we do not support the Mollohan amendment, will be convincing me more and more each and every day that Robin Hood was right.

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support the Mollohan amendment because this bill does not meet our great need for affordable housing. I represent Chicago, where the waiting list for public housing is 35,000 families long. Thirty-five thousand people is as big as some cities. That is like having the entire city of Atlantic City waiting in line to get a decent place to live.

It is even worse than that in Chicago. In Chicago, right next to that line is another line of 24,000 people waiting for Section 8 vouchers. In fact, that line is so long they had to close it. The need for affordable housing is so great in Chicago that not only can a person not get a rental voucher, they cannot even get in line to get a rental voucher. That is what we are facing in Chicago. And it is the same in communities across this country.

This bar graph shows the latest available national figures; 5.4 million households facing what is called worst case housing needs. That means that they either pay 50 percent or more of their income for rent or they live in substandard housing; 5.4 million men, women, and children, more than any other time in our history. But this bill does nothing, absolutely nothing, to help even one additional family, and does nothing to reduce the lines, and actually cuts money to improve housing.

□ 1915

The press asked for additional funds for public housing. That is money to do the repairs and upkeep that every home requires, including our public housing. And that is money for the HOPE 6 program, which would rebuild public housing that is uninhabitable like the kind we suffer in Chicago. And that is money for the Drug Elimination Grant program to fight the drugs and gangs and guns that are chewing up our children.

But this bill does not make any of that a priority. It actually cuts money for public housing from last year's funding levels. And these cuts are on top of the cuts that we had last year and the year before and every year since 1994, totaling over $1 billion in cuts for public housing.

In Chicago we have a line as long as Atlantic City waiting for public housing, and this bill does nothing to help them. And it does not help our cities and neighborhoods, either.

The U.S. Conference of Mayors, Republicans and Democrats, wrote us a letter detailing what they need to revitalize their cities and bring home jobs and homeowners back into their community. The mayors want $2 billion for HOME, the major Federal homeownership program that gives mortgage counseling to would-be home buyers and helps build cities and repair homes. This bill, however, does not make homeownership a priority. This bill actually cuts the HOME program. And it does not do enough for the homeless. This is a housing budget.

If we help anybody, we should at least help the people who have no house at all. Instead, we keep homeless funding at the same inadequate amount that we gave them last year. It is not that there are any less homeless people. In fact, there are more homeless people.

The Urban Institute recently updated their study on homelessness. The new study showed that over 840,000 people live on the street any given night. We should be ashamed. Twenty-five percent of those people are children. That is more people than live in Detroit or Milwaukee or San Francisco. Imagine on any given night that everybody in San Francisco, even the children, have to line up in a homeless shelter. This bill leaves them out in the cold.

There are lines of people waiting for affordable and decent housing in Chicago, in Washington, in San Francisco, in Boston, in rural America, in the South, in the North, everywhere. And this bill does not enough, almost nothing, and certainly nothing additional to help them.

With a booming economy and budget surpluses, we can help the families, the seniors, the communities, and the homeless. The President asked for that money to provide more help. The majority leadership could have found the money. I am voting against this bill until they do. I urge my colleagues to do the same.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,800,000,000, to remain available until expended, of which up to $50,000,000 shall be for carrying out activities under section 9(h) of such Act, for lease adjustments to section 23 projects and $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: *Provided further*, That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2001.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $3,138,000,000, to remain available until expended: *Provided*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

AMENDMENT OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. KELLY:

Page 25, line 19, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

Page 45, line 12, after the first dollar amount, insert the following: ''(reduced by $1,000,000)''.

Mrs. KELLY (during the reading). Mr. Chairman, I ask unanimous consent for the amendment to be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Chairman, this is a very simple amendment that the CBO has certified is budget and outlay neutral. This amendment increases funding for the Public Housing Operating Fund by $1 million. To offset the cost of the amendment, it reduces funding for the HUD Management and Administration Salaries and Expenses by the same amount.

As a member of the House Committee on Banking and Financial Services, Subcommittee on Housing and Urban Development, I have worked in an oversight role for HUD for a number of years. In that time, I have witnessed a great deal of change at HUD. I can unequivocally state that HUD does an excellent job at public relations.

Listen, if HUD dedicated the same energy toward ensuring a decent, safe, and sanitary home and suitable living environment for every American, I believe we would have the smallest of tasks before us today. Unfortunately, that is not the case, and we have a long way to go to recognize those laudable goals.

It is unfortunate, but today's HUD is plagued with problems that simply cannot be blamed on passive administrations. Countless reports of the GAO and the HUD Office of the Inspector General cite deep-rooted government waste, fraud, abuse, mismanagement, and a general lack of oversight.

For instance, the General Accounting Office recently reported that in 1998 HUD made nearly $1 billion in section 8 overpayments because the agency cannot validate the income eligibility of housing assistance applicants. This wasted money could have provided housing for some 150,000 more families.

Another example is the HUD Office of the Inspector General, which has reported for years that HUD operations suffer from systematic management weaknesses. HUD's response has been the HUD 2020 Management Reform Plan, but the IG reports that the agency remains far from addressing the systematic management weaknesses.

These problems demand action. Yet, instead of acting on recommendations of independent investigations, HUD has thrown good money after bad, writing their own reports and hiring consultants to write glowing reports about what a great job HUD is doing. Unfortunately, these reports do not magically fix HUD's deep-rooted problems.

I have received from the HUD Inspector General's office a list of these reports by outside consultants on which HUD has spent well over a million dollars. Mr. Chairman, I include the following list for the RECORD:

| Contract No. | Task Order No. | Contractor Name | Date of Award | Amount of Contract | Purpose |
|---|---|---|---|---|---|
| OPC–21273 | 5 | Price Waterhouse Coopers | Unknown | Indefinite Quantity | Responding to audits and findings (the GTR is from Housing) |
| OPC–21217 | 4 | Price Waterhouse Coopers | 9/30/99 | $1,000,000 | FILA Audit Response |
| OPC–18542 | 14 | Price Waterhouse Coopers | 10/30/98 | 126,984 | Evaluate the accomplishments of 7 critical projects of HUD 2020 |
| OPC–21387 | Basic | Squire, Sanders & Dempsey | 3/31/99 | 200,000 | Legal Services to assist in defense of claims asserted |
| Purchase Order | | Day, Berry & Howard | 5/26/98 | 48,000 | Investigation of EEO complaint |
| Purchase Order | | Williams & Connolly | 5/26/98 | 49,875 | Investigation of EEO complaint |
| OPC–18531 | 4 | Ernst & Young | 9/21/99 | 146,962 | Independent analysis of CB effectiveness |
| OPC–18532 | 8 | Booz-Allen | 9/26/97 | 37,576 | 2020 Technical Assistance |
| OPC–18532 | 9 | Booz-Allen | 12/18/97 | 412,724 | 2020 Assessment, includes subcontracts with Champey and Osborne |
| OPC–18533 | 4 | Andersen Consulting | 7/15/99 | 155,713 | HUD Customer Survey |

Above is a listing of HUD initiated contracts that were intended to dispute OIG audit or investigative matters. A comprehensive listing would be difficult to compile. The procurement data system (1) has hundreds of vendors, (2) does not identify subcontractors, (3) is not linked to the HUDCAPS disbursement system, and (4) the tasks descriptions provide minimal detail. Also, the amount column is the obligation amount, actual payments would need to be verified with the payment system (HUDCAPS). We suspect that costs were greater for some contract items, but we are uncertain as to if and when these payments were made.

The National Academy of Public Administration (NAPA) has conducted several reviews of HUD activities at the specific direction of Congress. NAPA's contract activity with HUD has been a little over $1 million. NAPA's reviews of procurement and staff resources are two recent examples where HUD used favorable portions of these reports to dispute issues developed during OIG audits.

Mr. Chairman, these reports were compiled by Price Waterhouse, Coopers, Booz Allen, Anderson Consulting, Ernst & Young, and others. While outside evaluations are helpful, my concern is that HUD directed their focus away from their problem areas or limited the scope of the consultants' report to such a point that they could not properly evaluate the program.

For instance, Ernst & Young was paid nearly $150,000 last September to evaluate the effectiveness of the Community Builders program. Unfortunately, they were limited to a select 40 community builders, each chosen by HUD of the more than 800 in place.

I ask, how can we see any value in such an investigation? We cannot allow such problems at HUD to continue. We have to send a strong message that the HUD mission is safe, clean, strong, and affordable housing and not a good public relations effort.

My amendment is reasonable. We move $1 million from the Management and Administration Salaries and Expenses account to the Public Housing Operating Fund, where I am confident it will be spent on providing a suitable living environment for people dependent on public housing. It was my hope that the Public Housing and Operating Fund could have been funded at a higher level.

With the budgetary constraints placed on my good friend from New York, the chairman of the VA–HUD subcommittee, the levels in this bill are admirable. I look forward to continuing our work to raise to fund further.

Passage of this amendment certainly is a step in the right direction. I urge my colleagues on both sides of the aisle to join me in favor of an amendment to send a clear message to HUD on the proper use of HUD funds.

The waste, fraud, abuse, poor oversight, and mismanagement indicative of HUD must be properly addressed and denied no longer.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to speak in favor of the Kelly amendment. This amendment would help ensure that funds will be spent on helping individuals purchase housing and not on the wasteful self-promotional activities of HUD. It would direct funds to a program which promotes self-worth and strong neighborhoods by replacing the worst public housing, turning around troubled neighborhoods, and implementing rent policies that reward and encourage work. This program requires greater responsibility on the part of the tenant as a condition for assistance.

Many HUD programs have continually been criticized for their waste, fraud, and abuse. The Federal Housing Administration is a perfect example of one such program. HUD has used taxpayers funds to finance all kinds of studies and reports, including one self-congratulating report that had a price tag of $400,000. The waste, fraud, and abuse within HUD has cost taxpayers and potential home buyers millions and maybe even billions of dollars.

I appreciate this opportunity to highlight the waste within HUD, some of which was recently revealed in reports by the HUD Inspector General and the General Accounting Office.

One of the most horrific examples of waste, fraud, and abuse within these

reports has been discovered in the management of the FHA. HUD's inventory of unsold homes last year was the highest that it has been in 10 years, which is amazing in such a tight housing market.

Due to the increased number of these unsold properties, HUD hired contractors at the cost of $927 million to maintain and restore the properties. HUD's lack of oversight led to rampant fraud.

One of these contractors was a company called InTown, who had seven of these 16 contracts. Due to InTown's inability to maintain existing HUD property or refurbish the run-down properties, the Government had to terminate their contract, but not before paying them. Then InTown filed for bankruptcy and the subcontractor hired by InTown put liens against these HUD properties. This resulted in a loss to the Federal Government of $7 million.

HUD's lack of efficiency, management, and oversight continues to deny homeownership assistance to the most needy individuals. HUD is denying the opportunity for more people to participate in their programs by allowing their taxpayer dollars to be wasted in this manner.

I want to thank the gentlewoman from New York (Mrs. KELLY) for her amendment and for her continued diligence on stopping this waste, fraud, and abuse that goes on in so many of our government agencies and programs. HUD is a perfect example of an institution in need of fiscal reform.

I urge support of the Kelly amendment.

Mr. TERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of this amendment. The Kelly amendment stops HUD from spending money on self-promotion and puts money where it will be spent on families who need public assistance housing. It is simply wrong for HUD to spend one penny on self-promotion while people in need remain on waiting lists.

In her semiannual report to the Congress for the period ending March 31, HUD Inspector General Susan Gaffney found ''massive fraud schemes.'' Gaffney also reported ''a very significant breakdown'' in program controls designed to prevent such fraud. Gaffney also said, ''Our work in the areas identified serious control weaknesses that expose the Department to fraud, waste, and abuse.''

We do not have to look very far to see evidence of the Department's inefficiency and poor oversight. Just look at HUD's payment of excessive section 8 rental subsidies to the tune of $935 million in 1998 and $8.5 million for storefront operations that never benefited the public. Or we may look to HUD's staffing shell game. For years HUD had complained about having inadequate funds for a required staff of 9,300 full-time employees and has threatened a reduction in force.

However, even though Congress provided funds for 9,300 FTEs in current year, HUD only had 9,040 full-time on staff. We must believe that this inflated personnel requirement represents an attempt by HUD to secure a larger than necessary appropriation.

Examples like this leave us no reason to question Inspector General Gaffney's claim that HUD will remain on GAO's high-risk list for the foreseeable future.

The Kelly amendment is another step in the Republican majority's goal of eliminating waste, fraud, and abuse. This amendment strikes $1 million from the Operating and Expense budget and puts it into the Public Housing Operating Fund, where every penny will be spent on housing.

This amendment will not cut any staff, as my colleagues on the other side may claim. This amendment will merely reduce the expense fund, which HUD uses as a slush fund to operate its current Secretary's political PR machine.

Under the current Secretary, we have witnessed the absolute politicization of HUD. We saw HUD sweep in and seize control of public housing programs from the City of New York. We have watched the current Secretary bend and contort HUD's mission to now include industry lawsuits and gun control programs.

In my home State of Nebraska, soon after a member of our congressional delegation endorsed the wrong presidential candidate, programs that HUD had funded for years mysteriously had their funding cut off. For me, it is all too clear, what is intended to be a public housing agency has, sadly, become a public relations agency for the current administration. The Secretary should not use taxpayer funds to promote his own ambitions.

This amendment stops HUD from spending money on public relations and puts the money back into public housing. HUD should not spend money on what amounts to political advertising while we still have families in need on waiting lists.

I urge my colleagues to support this amendment.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this evening in support of the Kelly amendment. But I want to be clear on this. I rise in support of the amendment not because of any insensitivity to affordable housing, as the other side seems to suggest, but, instead, because I care passionately about affordable housing.

I come from a State where breaking the bonds of poverty has been one of our highest priorities.

□ 1930

I believe that the dollars we spend on affordable housing are about the most important dollars we as an institution spend. Now, I want to believe that the leadership of HUD shares that philosophy, the importance of these precious dollars. But, Mr. Chairman, to be honest at times that is awfully hard to believe. We have heard reference to the Office of Inspector General's report. That report is damning. It shows that there is a lack of accountability at HUD. HUD could not produce reliable financial records for 1999. Yet these dollars are precious. HUD's newly installed financial system, something called HUDCAPS, could not even meet basic financial system requirements. Yet they say these dollars are precious. The Inspector General's report listed example after example of fraud, waste, and abuse.

As my colleagues have mentioned over and over again this evening, HUD spends an awful lot of money on self-promotion while people, while families stand in line waiting for help with affordable housing. The Community Builders Program quite frankly has been little more than a public relations effort. The Inspector General's report says that it is full of, quote, inappropriate hiring. That is putting it mildly. The Inspector General, not me, not the House Republican Conference, not the RNC, says that this program does very little if anything, very little if anything, to address the core mission of affordable housing. This directs valuable dollars away from where we need it most. We need to get back on track.

The Kelly amendment is simple. It is common sense. It helps HUD to refocus on its core mission of providing affordable housing. It does not cut staff. It does not cut core programs. It cuts self-promotion. It sends the money back to where it belongs. A number of my colleagues have and will tonight speak about the lack of funding for affordable housing, and I share some of their values and some of their concerns. This amendment is a simple, common sense way to meet the needs that my colleagues have enunciated. If we want to put more money in affordable housing programs, this amendment is the way to do it.

Mr. SUNUNU. Mr. Chairman, I move to strike the requisite number of words. I rise in strong support of the Kelly amendment. I would anticipate after all the rhetoric we heard on the preceding amendment that this would receive strong bipartisan support given the concern that the minority has expressed for doing more in the key operating accounts of this bill. This is a case where the Representative merely wants to take $1 million from nonessential expenses, from report writing, from promotion within the Housing Department and put it into an account that will help people receive affordable housing, $1 million, from nonessential administrative overhead into a program that will enable more people to get the housing that they deserve.

We have heard about waiting lists for some of these important programs, and I think that there is a tremendous amount of merit in this common sense amendment. But it is a very modest amendment, let us face it. We can do even more. We should be doing even more. I have been fortunate to be the chairman of the task force on the Committee on the Budget that has looked at other ways to find the resources to put into these key accounts that help people with a certificate and a voucher program, for example. One of the problems that we uncovered within HUD was an inability to truly verify the income of those that receive housing benefits.

Now, that is important because if HUD is underestimating the income of beneficiaries, it is overpaying subsidies. And if it is overpaying the subsidy to someone who is in public housing, then there is someone else that is not in the housing that cannot benefit because someone is taking their place, perhaps inappropriately, because they have misreported their income.

Well, it stands to reason that we should be able to verify the income of those that are relying on the Federal Government for such a significant and important subsidy. Unfortunately, HUD cannot. How big is this problem? Is it $1 million? No. Is it $10 million? No. Is this a $100 million problem in HUD? No. Is this a $500 million problem? It is even bigger than that. HUD and the GAO estimates there are $935 million in subsidy overpayments every year. This is not a historical problem. This is a yearly problem. Last year they estimated it at over $800 million. This year $900 million. What does that mean? That means over 100,000 families on the waiting lists cannot get access to existing affordable housing.

Now, the members of the administration that testified said, ''Well, we don't know for sure that it's $935 million.'' I am the first to admit it is very difficult to estimate the exact amount of the overpayments. But even if we are off by a factor of two, that is still nearly $500 million that taxpayers are sending to Washington that we are appropriating to HUD that everyone in this body and across the country thinks is going to affordable housing and it is not. We need to do better. This is a very modest step in the right direction, taking $1 million from administrative overhead and helping people get the housing that they need. I very much hope that this will be supported on a bipartisan basis because it is not just a good amendment, it is common sense.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I cannot imagine this amendment being supported on a bipartisan basis. The fixes that we need to HUD were contained in the Mollohan amendment, to increase funding for incremental Section 8 vouchers, for public housing capital fund, for the public housing operating assistance, for Native American housing block grants, for Housing Opportunities for Persons with AIDS, for community development block grants, all programs that were cut significantly in this bill, as was the very account that the gentlewoman proposes to cut another $1 million out of, the S&E account.

Obviously it takes money, it takes people to administer these programs. The request from the President for the FTEs, that is, the number of people to work at HUD to help people with housing problems, to administer all of these programs that are short-sheeted in this bill, the President's request was for 9,300 FTEs. This bill funds 9,100, already a significant cut. The President requested $1.095 billion for the S&E account, the account that the gentlewoman takes $1 million out of. This bill appropriated $90 million less than the President's request already, or an 8 percent cut the S&E account took from the President's request in this bill.

We can ill afford to take more money out of the S&E account. If we have administrative challenges at HUD, the way to address them is not by further cutting the account from what this bill already cuts but to appropriate not only the programmatic requests at the requested level but also the S&E account, the people who administer, who are out there delivering the services to people. We cannot continue to cut the programmatic side and the S&E side and deliver adequately the housing needs of the most needy in our society. We cannot continue to do that.

This is really, let us face it, a symbolic cut, a symbolic amendment, just taking a jab at HUD by taking another jab at the civil servants who work hard every day in every way to deliver these needed services to people who are the most needy in our society. No, I cannot imagine this amendment being supported on a bipartisan basis because I think we understand the motives behind it.

Mr. OSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not know quite where to begin. I do rise in support of the amendment offered by the gentlewoman from New York. I want to emphasize it is long overdue. The gentleman from West Virginia has very eloquently stated the difficulty in cutting the salaries and expenses account. But for the benefit of the Members in the Chamber, I would just like to go through a few of the issues that we are struggling with in the overall picture rather than in a very narrow focus.

As a member of the Subcommittee on Government Management, Information and Technology of the Committee on Government Reform, I have come to understand that the auditor over at HUD cannot even issue an unqualified opinion regarding the financial affairs at HUD. Yet the argument is being made on the other side to increase the resources available to HUD.

I would urge all Members as a first step to familiarizing themselves with the affairs there that they read the Inspector General's report for 1999. In that, the Inspector General cannot even close their books on HUD. Are Members also aware of the fact that HUD cannot establish the condition of the units under its control? Literally they cannot. I would commend to all Members that they read the recent article in The Washington Post by Judith Havemann regarding HUD's efforts to see what kind of shape the 4.6 million units it controls are in. HUD has hired contractors to inspect its portfolio and report back on the conditions that exist therein. Perhaps we should applaud this effort.

After all, each day that this inspection continues provides us with information about the condition of another 120 to 150 living units. Let us see. 4.6 million, 120 to 150 a day. That means in the year 2084, the complete report will be available. I can hardly wait to see it. We should applaud this effort.

Are Members aware of the new program under the auspices of Secretary Cuomo called Community Builders? Before I share this with my colleagues, I want to read something from the 105th Congress regarding what is allowed under Public Law 105–277 and what is not:

No parts of any funds appropriated in this or any other act shall be used by an agency of the executive branch other than for normal and recognized executive-legislative relationships, nor for publicity or propaganda purposes, and for preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress except in presentation to the Congress itself.

Now, that is put in there so that the agencies do not go to Congress and lobby for their own interests. However, I want to share with the Members here what the reality is. On September 9, 1999, the public affairs officer for HUD sent out the following instructions to the field public affairs staff. Again this relates to the community builders area of HUD's operations.

It says:

Attached is an op-ed penned by the Secretary, that would be Secretary Cuomo, regarding the proposed cuts to the HUD budget. Here is what I need you all to do ASAP. Again this is a memorandum sent to the 800-odd community builders.

Number one, localize the opinion editorial, in other words, suggesting to them that they send to their local media an opinion or an editorial piece

to be published in the paper. Do whatever will get your specific media interest. Here is the local information in case you deleted the earlier copy. Find out who to send it to. Call your local daily newspapers. Fax the localized oped to the editorial editor. After all, the House is voting on the budget today or tomorrow. We expect the Senate to take up our appropriations bill very soon. Please send me an e-mail of all of your local op-eds and your plan of attack for getting the piece placed in as many newspapers as possible in your area.

Now, on the one hand in the 105th Congress we have a law that says you are not to do this and in virtually that same year we have the employees of HUD actually doing that under the auspices of Community Builders.

Let me share with Members the financial details of the Community Builders Department. This program has 440 temporary slots and 372 permanent slots. One might ask, what does a community builder do? That would be very appropriate. Because the Inspector General found that HUD could not document what the community builders were even doing.

□ 1945

Further, in one sample by the Inspector General, of 59 Community Builder individuals interviewed, 39 reported that they spent over 50 percent of their time on public relations activities.

The CHAIRMAN. The time of the gentleman from California (Mr. OSE) has expired.

(By unanimous consent, Mr. OSE was allowed to proceed for 2 additional minutes.)

Mr. OSE. Mr. Chairman, just think, they spent 50 percent of their time on public relations activities. Just think, we have a whole new cadre of people out in our community doing public relations work on behalf of HUD, in this case, 812 people whose task it is to highlight the accomplishments of HUD. According to the Subcommittee on VA, HUD and Independent Agencies who exercises oversight, these individuals are paid an average of $91,000 per year, $91,000 per year on average. Just think, 812 of them, what a great job. That is $73 million a year for public relations, not for housing; for public relations.

I could go on. Believe me, I could go on; but we do not have enough time today. The amendment of the gentlewoman from New York (Mrs. KELLY) is long overdue. There is not a clearer or a more compelling case that highlights the failures of HUD as respects their financial conditions or their public relations efforts.

Just think, almost $73 million that Secretary Cuomo decided to spend on public relations instead of housing, and the gentleman from West Virginia (Mr. MOLLOHAN) is telling me we do not have a million dollars to cut out of S&E.

I hope that Secretary Cuomo can soon report to us that his public relations are in order so he can then concentrate on the task that HUD was created for. What a great thing, HUD focusing on housing.

Support the symbolic effort presented by the amendment from the gentlewoman from New York (Mrs. KELLY). Vote yes on the Kelly amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. KELLY) will be postponed.

The Clerk will read.

The Clerk read as follows:

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(INCLUDING TRANSFER OF FUNDS)

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $300,000,000, to remain available until expended, of which $5,000,000 shall be solely for technical assistance, technical assistance grants, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training) for oversight training and improved management of this program, and $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: *Provided*, That of the amount under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $565,000,000, to remain available until expended, of which the Secretary may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

Mrs. KELLY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the Chairman of the VA/HUD subcommittee regarding the current level of funding for veterans medical care and H.R. 4635. I am very thankful for the good work of the Members on the House Committee on Appropriations for bringing to the floor a bill with a $1.35 billion increase in spending for veterans medical care.

An increase of this size would not have been possible without the hard work of the subcommittee chairman, my good friend, the gentleman from New York (Mr. WALSH). Unfortunately, according to James Farsetta, the Director for Veterans Integrated Service Network 3, which includes lower New York and northern New Jersey, we will again face funding shortfalls in our region, despite the overall increase in funding.

This is due to the VERA program, inflationary costs, and the exploding epidemic of hepatitis C. Despite the help of the Chairman, the VA's diligence in responding to this program has been sorely lacking.

Mr. Chairman, last October, our VISN director requested $102 million in reserve funding, and while the VA announced in January that they would provide $66 million of the amount, that money did not reach the VISN until 3 weeks ago. Additionally, VISN 3 has requested $22 million to test and treat veterans infected with hepatitis C.

The VA budget request states, and I quote: ''Hepatitis C virus is a serious national problem that has reached epidemic proportions.'' To date VISN 3 has the highest number of veterans infected with hepatitis C nationwide, and in a one-day, random screening for hepatitis C in March 1999 found the hepatitis C infection rate in VISN 3 was nearly double the national average.

To date, the VA has not provided any additional funding for hepatitis C and has not provided any reason as to why VISN 3 is being denied this funding. It costs $15,000 a year for 1 year of treatment for a veteran who has tested positive for hepatitis C virus.

Mr. Chairman, this situation has gone on long enough. I am asking for your assurance to ensure that the VA ends their delay tactics and provides critical supplemental funding to VISN 3 that is so desperately needed. I understand that it is possible that VISN 3 will need reserve funding again next year.

I hope that the gentleman will continue to work with me and with other concerned Members to make sure that the VA is responsive to the needs of VISN 3 and does so in a timely manner.

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentlewoman (Mrs. KELLY) for bringing these important concerns to

my attention, and I would like to assure her and other Members that I am well aware of the problems faced by VISN 3, particularly in regards to funding levels. I will continue to work with the gentlewoman and our colleagues, the Senate and the Administration to ensure that VISN 3 is not just disproportionately disadvantaged under the funding levels contained in this bill and ensure that the VA ends their delays on the hepatitis C funding issue.

I also want to assure the gentlewoman that I, too, find the delays and unresponsiveness of the VA intolerable. I will continue to make my displeasure clear with the VA officials to ensure that the proper reserve funding is sent both this year and next.

Mr. Chairman, I thank the gentlewoman for her comments and her hard work.

Mrs. KELLY. Mr. Chairman, I thank the gentleman from New York (Mr. WALSH) for his continued efforts on behalf of our veterans, and I look forward to continuing to work with the gentleman to assure proper medical care for our veterans.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $620,000,000, to remain available until expended, of which $2,000,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA, and $6,000,000 shall be to support the inspection of Indian housing units, contract expertise, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel and $2,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided*, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: *Provided further*, That for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $232,000,000, to remain available until expended: *Provided*, That the Secretary may use up to 1 percent of the funds under this heading for training, oversight, and technical assistance activities.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. NADLER:

In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS'', after the first dollar amount, insert the following: ''(increased by $18,000,000)''.

In the item relating to ''INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES'', after the first dollar amount, insert the following: ''(reduced by $18,000,000)''.

In the item relating to ''INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES'', after the second dollar amount, insert the following: ''(reduced by $18,000,000)''.

Mr. NADLER. Mr. Chairman, I rise to offer an amendment to increase the appropriation for the Housing Opportunities for Persons with AIDS, or HOPWA, program by $18 million. This was $10 million less than the President requested and far less than is truly needed to adequately fund this program, but represents the amount necessary to ensure that those already in the program do not receive a cut in service.

I am delighted by the bipartisan nature of this amendment, and I would like to specifically thank the gentleman from Connecticut (Mr. SHAYS), the gentleman from New York (Mr. CROWLEY), the gentleman from California (Mr. HORN), the gentleman from Florida (Mr. FOLEY), and the gentleman from Maryland (Mr. CUMMINGS) for joining me in offering this amendment and demonstrating the bipartisan support that this program enjoys.

Mr. HORN. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from California.

Mr. HORN. Mr. Chairman, this amendment is tremendously important for thousands of people. It funds the Housing Opportunities for People with AIDS. We are requesting an increase. Consider these facts: HIV prevalence within the homeless population alone is estimated to be 10 times higher than the infection rates in the general population. Primary care providers and people living with HIV/AIDS repeatedly cite the lack of affordable housing as the single most detrimental barrier to accessing real health care.

When the number of individuals living with AIDS increases, the number of eligible housing sites also needs to increase. HOPWA-funded beds in residential facilities are 80 to 90 percent less expensive than an acute-care hospital bed. The HOPWA program reduces the use of emergency care services by $47,000 per person per year.

Last year, this vital Federal program provided over $27 million for California alone. Across our Nation this year, there are four new eligible metropolitan statistical areas that will be added to the program. Those are the new areas, Albany, New York; Baton Rouge, Louisiana; Columbia, South Carolina; and Oklahoma City.

Other States will also qualify for HOPWA funds. In this appropriation bill, the HOPWA level is level funded at last year's level. Without the adoption of our amendment, every HOPWA recipient will experience a funding cut. That is why this modest increase of $18 million dollars is so desperately needed. I encourage all of my colleagues to vote for the bipartisan Shays-Nadler-Horn-Crowley-Cummings-Foley amendment. That amendment provides needed services and justice, Mr. Chairman.

Mr. CROWLEY. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, the housing provided by HOPWA allows people to improve the quality of their lives and access to life extending care. With the longer life span comes the need for more assistance both in medical care and in housing. No person should have to choose between extending their life or keeping a roof over their head, and the fact is without adequate housing and nutrition, it is extremely difficult for individuals to benefit from the new treatments.

Let us give the HOPWA program the necessary money it needs to provide those services. I ask all of my colleagues to join me in supporting the Nadler-Shays-Crowley-Horn-Cummings-Foley amendment.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I appreciate the gentleman from New York for yielding, and I rise in support of this

amendment, as well, and on behalf of the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Florida (Mr. FOLEY), who are also cosponsors of this amendment. I know the gentlewoman from New York (Mrs. MALONEY) as well has expressed support of this. We are prepared to vote.

Mr. NADLER. Mr. Chairman, I urge everyone to support this amendment.

Mr. WALSH. Mr. Chairman, I move to strike the last word. I will not take all of the time provided. I appreciate the brevity of the statements of the speakers who are advocating for this. We have no objection to this amendment on this side. The committee recommended funding for HOPWA's budget at last year's level; however, like many other accounts in this bill, I had hoped to increase funding for this account but could not, because such a decision would have adversely impacted other accounts.

On those grounds, I am prepared to accept the amendment. These funds would normally go to National Science Foundation, those funds are not wasted there either, but this is a priority program; and the additional funds are necessary.

I would register for the record, a concern, however, that the formula that HOPWA uses is outdated by many estimates and other programs, including the Ryan White program, which have updated their formula for dispersal of funds; and we would urge HOPWA to consider seriously looking at that.

Other than that reservation, Mr. Chairman, I am prepared to accept the amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Nadler amendment.

Mr. Chairman, I rise in strong support of the Nadler amendment to increase by $18 million the appropriations for the Housing Opportunities for Persons With AIDS (HOPWA) program.

As we all know, AIDS is the number one public health problem in this nation and in many places throughout the world. And in my District back in Chicago, AIDS has reached epidemic proportions. In fact, there are at least a thousand reported cases of AIDS in my district and since 1980, more than 10,000 people have died of AIDS in Chicago.

Although the mortality rate among individuals living with AIDS is declining as a result of better medical treatments, combination therapies, and earlier diagnosis, the housing opportunities for those living with the disease have not improved accordingly. It is important that this Congress respond with compassion and support.

This bill in its current form does not meet this objective, for there are still far too many victims of AIDS who are living, but have no place to live.

Fortunately, this amendment seeks to correct this gap and help to meet this need, $18 million is no panacea, but will help many persons living with AIDS to have a place in which to live.

Therefore, I urge passage of the Nadler, Shays, Crowley, and Horn amendment.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I likewise, rise in support of the amendment.

Mr. Chairman, I rise in strong support of the Nadler/Shays/Crowley/Horn amendment to increase HOPWA funding by $18 million to $250 million.

HOPWA allows communities to design local-based, cost-effective housing programs for people living with AIDS.

It supports patients with rent and mortgage assistance and provides information on low-income housing opportunities.

While basic housing is a necessity for everyone, it is even more critical for people living with AIDS. Many AIDS patients rely on complex medical regimens and have special dietary needs. Lack of a stable housing situation can greatly complicate their treatment regiment.

We must not forget that while medical science has made important advances in treating AIDS, a cure remains elusive. In the meantime we must do what we can to help people living with this disease.

Mr. Chairman, I implore my friends on the other side of the aisle who often speak about ''Compassionate Conservatism'' to support this amendment.

This vote presents an opportunity for my colleagues to match their rhetoric with a small federal funding request.

The people who benefit from the HOPWA program are some of our nations most needy. They are living in a very difficult circumstance.

Mr. Chairman, I eagerly look forward to the day when medical breakthroughs render the HOPWA program unnecessary. However, today in the present I call on my colleagues to people living with AIDS this modest increase in support.

Ms. LEE. Mr. Chairman, I rise today in strong support to an increase in funding for Housing for People with AIDS—HOPWA.

HOPWA is the only federal program that provides community based HIV-specific housing. It is vital to the lives of persons who are living with HIV/AIDS because it allows people to benefit from their treatments and helps to keep them from being exposed to other life-threatening diseases, poor nutrition and lack of medical care.

Up to 60 percent of people living with HIV/AIDS will need housing assistance at some point in the course of their illness. According to the National AIDS Housing Coalition, one-third to one-half of all people living with HIV/AIDS are either homeless or in imminent danger of losing their homes.

In my district, Alameda County, the Ryan White Planning Council Needs Assessment Surveys in 1998 and 1999, ranked housing as the highest area for ''unmet need'' and ''served but unsatisfied'' of eight service categories. This study also indicates that anti-retroviral therapies are helping people living with HIV/AIDS live longer healthier lives, thus our responsiveness to their housing needs is more urgent than ever.

In the Bay Area community I represent, housing costs are reaching astronomical heights and are becoming increasingly impossible for even moderate wage earners to meet. The working poor and the disabled, including persons with HIV/AIDS, are in great jeopardy.

Since 1992, HOPWA funding has provided essential development awards for projects ranging from a rehabilitated five bedroom house in north Berkeley to a newly constructed 21 unit complex in East Oakland. HOPWA has also provided the resources and support for 20 emergency housing beds, 40 transitional housing shared units, and 174 permanent units throughout my district. Yet, these programs have only addressed a small portion of the housing needs for persons and families affected by HIV/AIDS.

The rental market vacancy rate in my district is less than 1% and market rents throughout Alameda County far exceed Fair Market Rents (FMRs). With the limited rental assistance available from the HOPWA program, people living with HIV/AIDS are unable to find and rent affordable housing. Additionally, HIV/AIDS Housing Programs operate at capacity and routinely maintain lengthy waiting lists.

While, HOPWA has provided the much needed gateway for people with HIV/AIDS to access housing, treatment and care services, we need to do better. Many persons living with HIV/AIDS are forced to make difficult decisions between life sustaining medications and other necessities, such as housing. These decisions become even more dire when the cost of housing is taken into consideration. For many people with HIV/AIDS, HOPWA has been life saving.

In August 1999, the County Board of Supervisors declared a State of Emergency with respect to AIDS in the African-American Community of Alameda County. The Congressional Black Caucus' Minority Health Initiative, partnered with HOPWA to push forward a community wide response to the State of Emergency including closing the housing gap for people with HIV/AIDS.

In my district we are finally seeing positive results from our efforts. For example, the Department of Housing & Community Development (HCD) has been able to successfully partner with county agencies like the Office of AIDS & Communicable Diseases, and Cal-PEP, a community-based AIDS service organization, to provide access to short-term transitional housing for people living with HIV–AIDS, who have recently been released from incarceration. Often times, the incarcerated population is over looked or under served regarding AIDS services. HOPWA has helped to close that gap by providing housing and treatment services, but also to render prevention education services on post-exposure and secondary exposure risks for HIV/AIDS.

Mr. Chairman, like all of us, people living with HIV/AIDS dream of living in suitable and quality homes. We must ensure that all people have a place they can call home. We have to do everything we can to close the housing gap.

I urge you and my colleagues to support this amendment because HOPWA will help close the housing gap, but also will help to reach our goal of eradicating HIV/AIDS. It is the right thing to do.

Mr. CROWLEY. Mr. Chairman, I rise today with colleagues from both sides of the aisle, Mr. NADLER and Mr. CUMMINGS, and Mr. SHAYS, Mr. HORN, and Mr. FOLEY to offer an amendment to increase funding for the Housing Opportunities for Persons with AIDS by $18 million dollars. I know many of my colleagues will ask why this one program, out or many others that were cut or also ''level'' funded deserves an increase, and I hope we can effectively explain why. You have supported us in the past—by ensuring that HOPWA maintained its funding last year.

And this past winter, you overwhelmingly voted for our amendment to increase the authorization amount for the HOPWA program. We need your support again now.

We have made great strides in the treatment of AIDS. New medications have increased life expectancy by years, even after the onset of full-blown AIDS. Currently, there are about one million American living with HIV and AIDS. More than 200,000 of these currently need housing assistance. Additionally, 60% of people with HIV/AIDS and their families will need housing assistance at some point during their illness.

The HOPWA program provides rental assistance, mortgage assistance, utility payment assistance, information on low-income housing opportunities and technical support and assistance with planning and operating community residences. These important services assist individuals and families financially—not forcing them to choose between housing and medicine. Currently, HOPWA benefits 52,000 people in 415,000 housing units. HOPWA is the only federal housing program addressing the housing crisis facing people living with AIDS.

The housing provided by HOPWA allows people to improve the quality of their lives and access life-extending care.

With a longer life span comes the need for more assistance, both in medical care and housing. Life-saving drugs are costly, forcing many people to decide between essential medicines and other necessities—such as food and housing. No person should have to choose between extending their life or keeping a roof over their head. And the fact is, without adequate housing and nutrition; it is extremely difficult for individuals to benefit from the new treatments.

Longer life spans mean less space in HOPWA programs. Additionally, since 1995, the number of Metropolitan areas and states qualifying for HOPWA formula grants has increased significantly.

In fact, 4 new regions are to be added this next year. The result of these two factors means that level-funding HOPWA at $260 million will mean cutting the program. The current funds will need to stretch further. Let me give you an example from my home state. In Fiscal Year 2000, New York State received 3.25 million in HOPWA funding. In Fiscal Year 2001, with level funding, New York State will only receive $3.1 million. This will result in a loss of services. In fact, HUD informs me that 5,170 fewer people with HIV/AIDS will be receiving assistance. Let's make this real—this means the over 5,000 people and their families will be living on the streets. Housing is essential to help individuals with treatments for this disease.

This year's appropriations limits make it very difficult to find an offset for any increase. My colleagues and I do not want to take money away from any program. But when confronted with the reality that over 5000 individuals and their families in New York State will be living on the street, we need to make a way. My colleagues and I have proposed an $18 million offset from the National Science Foundation's Polar and Antarctic Research Program. I want to make it clear that I am not opposed to science research and understand the value it can have on our lives and the future of the human race. However, the Polar and Antarctic research program is coordinated by NSF but has 12 other federal agencies also contributing funds over $150 million.

We ought to be farsighted in looking at problems in our global atmosphere and scientific research, but we must not be so shortsighted that we harm the citizens of this country in our efforts. I am not saying that NSF's programs are not worthwhile, but we need to have compassion for those people who struggle to live each day with AIDS. They need our assistance and we cannot leave them out in the cold.

Let's show compassion. Vote for the Nadler-Shays-Crowley-Horn-Cummings-Foley.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from New York, which would reduce funding for polar research at the National Science Foundation by $18 million and increase funding at Housing and Urban Development by a like amount.

I would suggest to the gentleman from New York that if he seeks to increase funding for housing people with AIDS, he could find the resources within HUD's nearly $30 billion appropriation. This agency is far better able to accommodate the amendment's purpose through efficiencies than by cutting NSF, an agency having a budget that is a small fraction of HUD's appropriation.

Cutting the appropriation for the Nation's premier science agency, as the gentleman from New York proposes, is ill-advised. The Congress has affirmed the importance of an active U.S. presence in Antarctica. Stable funding for polar programs is necessary because of the long lead time required for these operations. If this amendment passes, funding probably will have to be shifted from basic research programs to support polar operations already in the pipeline.

As the White House recently pointed out in its June 15, 2000 press release, any cuts to the NSF budget would put the ''new economy'' at risk. The basic research NSF funds in the biological and other sciences is a vitally important part of the overall Federal research portfolio, adding to our store of knowledge in valuable, and often unpredictable ways.

Mr. Chairman, we can all sympathize with the plight for those who have contracted AIDS, but I do not think that it is in their best interests to cut funding for our premier basic research agency that may one day help provide the underlying research needed to find a cure for this and other debilitating diseases.

The House should reject Mr. NADLER's amendment.

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to this amendment. The gentleman from New York proposes to reduce funding for the National Science Foundation by $18 million in order to increase funding at the Department of Housing and Urban Development by the same amount. This is a remarkably short-sighted idea.

This appropriations bill adds $4 billion to HUD's already $25.8 billion budget for FY2000—that's an increase that represents more than NSF's total budget. To this increase, the gentleman wishes to add $18 million raided from NSF's significantly smaller appropriation.

This House has continually recognized the important role NSF and basic research have played in our Nation's economic and technological development. Research funded by NSF, including research at the poles, has led to the development of new pharmaceuticals and new diagnostic and therapeutic tools that have preserved and protected the health of people worldwide. Our understanding of viruses, of pathogens, of carcinogens, has been aided immeasurably by the type of basic research NSF enables. This is a fact not lost on the current Administration, which pointed out in a press release last week that cuts to NSF will put at risk ''longer, healthier lives for all Americans.''

While I commend my colleague for the intent of his amendment, I must take issue with its effect. Moving this funding from a well-run agency like NSF to one with a history of mismanagement like HUD sends the wrong message to all federal agencies. It's worth noting a GAO report issued last summer taking HUD to task for its management deficiencies. The report noted significant weaknesses in internal control, unreliable information and financial management systems, organizational deficiencies, and staff without proper skills. GAO concluded that ''HUD's programs are a high-risk area'' based on ''the status of [these] four serious, long-standing Department-wide management deficiencies that, taken together, have placed the integrity and accountability of HUD's programs at high risk since 1994.''

In that light perhaps the gentleman should look within HUD's $30 billion appropriation to find the offsets his amendment requires, rather than force cuts in the Nation's premier science agency. I urge the House to reject this amendment.

Mr. CUMMINGS. Mr. Chairman, I am pleased to work with my colleagues to bring forth such an important amendment to increase funding for Housing Opportunities for People with Aids (HOPWA).

For individuals with AIDS and other HIV-related illnesses, adequate and safe housing can be the difference between a person's opportunity to live life with self-respect and dignity and being relegated to a life of poor, unhealthy and safe conditions often leading to homelessness and possibly death.

At any given time, ⅓ to one-half of those living with HIV-related illnesses are either homeless or in imminent danger of losing housing. And 60% of these persons will face a housing crisis at some time during their illness due to discrimination and increased medical expenses. Moreover, as their health declines, persons with HIV-related illnesses may lack the ability to work or at least to earn up to their full potential, leaving them vulnerable

to either not being able to find appropriate housing or losing their housing.

Sadly, this problem disproportionately impacts low-income communities where homelessness is often a paycheck away. And the CDC has estimated, in past studies, that HIV infection rates are 24% among the homeless, and in some urban areas as high as 50%.

HOPWA is the only, federal housing program designed to address his crisis. 90% of HOPWA funds are distributed by HUD to cities and states that are hardest hit with the AIDS pandemic. These jurisdictions then determine how best to utilize the funding to meet locally-determined housing needs and services for persons living with HIV-related illnesses, such as short-term housing, rental assistance, home care services, and community residences.

In 1998, HUD estimated that for each additional $1 million in HOPWA funding, an additional 269 individuals and families living with HIV and AIDS would have access to vital housing and housing-related services. Moreover, HOPWA funding has been demonstrated to reduce emergency health care expenses by $47,000 per person.

Consequently, increased HOPWA funding is critical. As the number of AIDS cases continues to rise, the ability for localities to address increased housing needs must keep pace. Without significant increases, we will continue to fight a losing battle that no other federal program can combat. While Section 8 housing waiting lists swell, other programs prove more politically popular than those addressing AIDS, and persons with HIV/AIDS are discriminated against, housing opportunities created specifically for these individuals are crucial.

As such, I urge my colleagues to support the Nadler-Shays-Crowley-Horn-Cummings-Foley HOPWA amendment to increase FY 2001 funding by $18 million to level of $250 million.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

The Clerk will read.

AMENDMENT OFFERED BY MR. FORBES

Mr. FORBES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORBES:

Page 29, line 24, after the dollar amount, insert the following: ''(increased by $16,000,000)''.

Page 36, line 13, after the dollar amount, insert the following: ''(increased by $20,000,000)''.

Page 37, line 12, after the dollar amount, insert the following: ''(increased by $78,000,000)''.

Page 37, line 13, after the dollar amount, insert the following: ''(increased by $69,000,000)''.

Page 38, line 2, after the dollar amount, insert the following: ''(increased by $9,000,000)''.

Page 52, after line 6, insert the following new sections:

REDUCED DOWNPAYMENT REQUIREMENTS FOR LOANS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES.

SEC. 207. (a) IN GENERAL.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by adding at the end the following new paragraph:

''(11) REDUCED DOWNPAYMENT REQUIREMENTS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES.—

''(A) IN GENERAL.—Notwithstanding paragraph (2), in the case of a mortgage described in subparagraph (B)—

''(i) the mortgage shall involve a principal obligation in an amount that does not exceed the sum of 99 percent of the appraised value of the property and the total amount of initial service charges, appraisal, inspection, and other fees (as the Secretary shall approve) paid in connection with the mortgage;

''(ii) no other provision of this subsection limiting the principal obligation of the mortgage based upon a percentage of the appraised value of the property subject to the mortgage shall apply; and

''(iii) the matter in paragraph (9) that precedes the first proviso shall not apply and the mortgage shall be executed by a mortgagor who shall have paid on account of the property at least 1 percent of the cost of acquisition (as determined by the Secretary) in cash or its equivalent.

''(B) MORTGAGES COVERED.—A mortgage described in this subparagraph is a mortgage—

''(i) under which the mortgagor is an individual who—

''(I) is employed on a full-time basis as: (aa) a teacher or administrator in a public or private school that provides elementary or secondary education, as determined under State law, except that elementary education shall include pre-Kindergarten education, and except that secondary education shall not include any education beyond grade 12; or (bb) a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), except that such term shall not include any officer serving a public agency of the Federal Government); and

''(II) has not, during the 12-month period ending upon the insurance of the mortgage, had any present ownership interest in a principal residence located in the jurisdiction described in clause (ii); and

''(ii) made for a property that is located within the jurisdiction of—

''(I) in the case of a mortgage of a mortgagor described in clause (i)(I)(aa), the local educational agency (as such term is defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) for the school in which the mortgagor is employed (or, in the case of a mortgagor employed in a private school, the local educational agency having jurisdiction for the area in which the private school is located); or

''(II) in the case of a mortgage of a mortgagor described in clause (i)(I)(bb), the jurisdiction served by the public law enforcement agency, firefighting agency, or rescue or ambulance agency that employs the mortgagor.''.

(b) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking ''Notwithstanding'' and inserting ''Except as provided in paragraph (3) and notwithstanding''; and

(2) by adding at the end the following new paragraph:

''(3) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—In the case of any mortgage described in subsection (b)(11)(B):

''(A) Paragraph (2)(A) of this subsection (relating to collection of up-front premium payments) shall not apply.

''(B) If, at any time during the 5-year period beginning on the date of the insurance of the mortgage, the mortgagor ceases to be employed as described in subsection (b)(11)(B)(i)(I) or pays the principal obligation of the mortgage in full, the Secretary shall at such time collect a single premium payment in an amount equal to the amount of the single premium payment that, but for this paragraph, would have been required under paragraph (2)(A) of this subsection with respect to the mortgage, as reduced by 20 percent of such amount for each successive 12-month period completed during such 5-year period before such cessation or prepayment occurs.''.

HYBRID ARMS

SEC. 208. (a) IN GENERAL.—Section 251 of the National Housing Act (12 U.S.C. 1715z–16) is amended—

(1) in subsection (a), by inserting ''IN GENERAL.—'' after ''(a)'';

(2) by striking subsection (b) and inserting the following new subsection:

''(b) DISCLOSURE.—In the case of any loan application for a mortgage to be insured under any provision of this section, the Secretary shall require that the prospective mortgagee for the mortgage shall, at the time of loan application, make available to the prospective mortgagor a written explanation of the features of an adjustable rate mortgage consistent with the disclosure requirements applicable to variable rate mortgages secured by a principal dwelling under the Truth in Lending Act (15 U.S.C. 1601 et seq.).'';

(3) in subsection (c), by inserting ''LIMITATION ON INSURANCE AUTHORITY.—'' after ''(c)''; and

(4) by adding at the end the following new subsection:

''(d) HYBRID ARMS.—The Secretary may insure under this subsection a mortgage that—

''(1) has an effective rate of interest that shall be—

''(A) fixed for a period of not less than the first 3 years of the mortgage term;

''(B) initially adjusted by the mortgagee upon the expiration of such period and annually thereafter; and

''(C) in the case of the initial interest rate adjustment, shall be subject to the limitation under clause (2) of the last sentence of subsection (a) (relating to prohibiting annual increases of more than 1 percent) only if the interest rate remains fixed for 5 or fewer years; and

''(2) otherwise meets the requirements for insurance under subsection (a) that are not inconsistent with the requirements under paragraph (1) of this subsection.''.

(b) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement section 251(d) of the National Housing Act (12 U.S.C. 1715z–16(d)), as added by subsection (a) of this section, in advance of rulemaking.

Mr. FORBES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SANFORD. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from South Carolina reserves a point of order.

The Chair recognizes the gentleman from New York (Mr. FORBES) for 5 minutes.

Mr. FORBES. Mr. Chairman, I rise this evening offering an amendment to deal with the housing crisis in the United States. The costs of housing is rising far faster than the average working family can afford. I propose an amendment, first of all, that would make it easier for police, fire fighters and our public school teachers to get an FHA loan. It would create a new FHA adjustable-rate mortgage for all people to use; and the revenues that would be generated would help to fund additional housing for people who are disabled, the elderly, people with AIDS, and the homeless.

This is a critically important issue, not just to the people that I represent, in suburban Long Island New York, but across the country, where we have seen the price of housing skyrocket.

Like other areas around the country, they are plagued with high property taxes and very expensive, ever-increasing real estate prices. Despite the booming economy, no place is it more evident that the haves are doing better and the have-nots are doing worse than in the housing market.

Despite the booming economy, the rents and real estate prices are simply rising far faster than wages. The costs of housing is clearly becoming more elusive and further out of reach for the middle class.

According to a study by the National Low-income Housing Coalition, housing costs on Long Island, for example, are the fourth highest in the country. Just to be able to afford a two-bedroom apartment on Long Island, a family needs to have an average household income of $45,000; and buying a home is an even greater challenge, even for middle-income families in Long Island, and I believe most of the Nation. Suburban America particularly is mired in perhaps the worst affordable-housing crisis ever.

Median home sales on Long Island, New York, run about $200,000; median home sales prices have shot up from $134,000 to $160,000 in my county alone over the last 5 years.

□ 2000

I would reference a firefighter living in Suffolk County, New York, Dennis Curry, who is with the North Patchogue Fire Department, and his fiance, Michelle, who have been looking for a house for months. They want a modest three bedroom home so that they can have room for Michelle's son and the child that they one day hope to have, but the only houses they were able to find were selling at best at $170,000.

The down payment requirements were staggering to them, and it would have meant every bit of their savings would have been taken up on the down payment alone, with little money left over to fix up this house that was sorely in need of repair. So what are they forced to do? They have to postpone their dream. This fire fighter who dedicates himself to protecting our community cannot afford to buy housing in that same community.

Mr. Chairman, I would suggest that this is an issue that in previous times has gotten overwhelming support from this House. We have been honored, frankly, to see that almost 400 Members of this House have approved legislation that would allow public servants like our school teachers, our fire fighters, and our police officers to get into affordable housing with a minimum of 1 percent down. The fees generated, which would amount to about $114 million, would help pay for the extra housing needs that have been addressed at various times during this debate.

The elderly, the disabled, the people with AIDS, and the homeless would benefit from these increased fees. We would allow those who certainly work for the betterment of our community, who educate our children, who provide for the safe and secure communities we enjoy, we would allow these folks to get into affordable housing.

I think this is a good initiative, and I would ask that we have an opportunity, Mr. Chairman, to vote on this measure.

The CHAIRMAN. Does the gentleman from South Carolina continue to reserve his point of order?

Mr. SANFORD. I do, Mr. Chairman.

Mr. OBEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as I understand it, this amendment is the same amendment that we dealt with in committee which attempts to add housing for the elderly, add housing for the disabled, add housing for homeless assistance grants and add housing opportunities for people with AIDS.

The gentleman from New York in this amendment is attempting to pay for this amendment by taking three actions which the House has already endorsed and which would in fact raise money for the Treasury, which could then be used to finance these amendments.

Now, we have had objections raised on this floor for 2 weeks that we did not, in the amendments we were offering to these bills, provide proper offsets to those amendments. We suggested that those offsets ought to come from the majority party's over generous tax package, over generous certainly in what it provides for the very wealthiest of Americans.

This House has given away already, just on the minimum wage bill alone, this House has voted to provide $90 billion in tax relief to people who make $300,000 a year or more. If this House can do that, it ought to be willing to get around a bookkeeping transaction in order to provide assistance to some of the folks who need it the most. Certainly these folks mentioned by the gentleman from New York do.

Mr. Chairman, it is suggested that this offset is out of order only because it is not authorized. I would say that that is the narrowest of technicalities, Mr. Chairman, because this House has already approved the legislation that contains the same transactions, and, if my memory is correct, or I should say more accurately if my notes are correct, it was approved with 8 dissenting votes and 417 in favor.

It seems to me Dick Bolling when he was here, who is probably the greatest legislator I ever served with, Dick Bolling, always attacked the idea that legislators were more focused on what he called ''legislative dung hills'' than they were policy issues. By that he meant that Members often spent more time defending committee jurisdiction than they did defending the interests of their constituents. It seems to me that allowing this minor technicality to stand in the way is doing just what Dick Bolling derided so eloquently in the years that he served in this House.

There is no public purpose to be served by admitting that this authorization is not going to become law, and, if that authorization becomes law, the offsets which the gentleman is talking about would be in perfect order.

I would simply ask, can we not bend even a little to help the people who are most in need of shelter in this country? If the answer is no, that is indeed regrettable. But this amendment is something that we should do.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I share the gentleman from Wisconsin's lack of interest in jurisdictional fights, but for those who are inclined to disagree with us, I should note that the committee of legislative jurisdiction on this particular set of offsets passed it unanimously, so there is certainly no quarrel there, and the gentleman from Wisconsin is correct, this is a technicality.

I do recognize the right of people fairly to insist on technicalities, if they are, in fact, people who have been consistently technical. But the notion of legislating in an appropriations bill, my word, what will they think of next? We have seen appropriations bills in this Congress that had more legislation than appropriation. Indeed, as you people drop the appropriation, you increase the legislation. It is kind of a zero sum game.

Being accused by my Republican colleagues of legislating in an appropriations bill is like being accused by Wilt Chamberlain of being too tall. I mean, it just boggles the mind that a party

which regularly legislates whenever it wants to in an appropriations bill would do this, and that is why the gentleman from Wisconsin's parliamentary argument had such force.

We have a bill which has been supported by the authorizing committee unanimously, which was overwhelmingly supported on this floor, in fact, it was amended somewhat on the floor. There were some concerns raised by the gentleman from Florida, who has been a very diligent watchdog in the interests of lower income people. So the form in which it survived, it was not some accident or some oversight, it received a lot of work, a lot of compromise. In fact, we worked this one out. And now to be told, well, we are going to knock it out because it has not yet completed the authorization process is very hard to live with.

But I will make this proposition, because obviously a single Member has the ability to pursue this, it could have been protected by the Committee on Rules, but the Committee on Rules apparently had a rare fit of opposition to legislating in an appropriations bill, so they did not do this one. But by the time this bill goes to House-Senate conference, we will, I believe, have finished the authorization process.

So I guess I would say to the gentleman from New York who has offered an excellent amendment, and let us be clear, the gentleman seeks to add funds to programs of uncontested popularity and moral worth, for helping the homeless, for housing for the elderly. These are programs which are overwhelmingly supported by local governments, by constituents, by the people who benefit from them.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would simply make the point that I think that the charge that the gentleman is laying is an incorrect one, because we are really not talking about the Republican Conference as a whole. What we are talking about was that I was one of the eight that happened to vote against this when it came to the floor. In the same way that you so skillfully have used every arrow in essence in the legislative quiver, this is simply a way of blocking legislation that I disagree with.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I accept that. I thank the gentleman, and I would say, yes, the gentleman has been consistent in this regard, so my charge of inconsistency does not lie against him. It is true, the gentleman is the one individual Member who raised that, and I appreciate that.

All the more reason though to say when we get into the conference committee and when this comes back to the floor, unless the gentleman's numbers multiply more than I expect, and unless 8 becomes twice 80, 3 times 80, then this will be law. So we can ask, I hope, if the only reason we are not going to accept this now is the admirable consistency of the gentleman from South Carolina, he has been admirable in his consistency and I appreciate that, but if that is the only problem we have to adopting it now, I would hope when this bill finally comes before us as a real bill, and not the Halloween fake skeleton that it is now is, this amendment of the gentleman from New York will be in it, and the gentleman from New York's proposals will be accepted.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to point out also that the pay-fors which the gentleman is trying to use in this amendment in fact help additional families, because the hybrid ARMs provision that the gentleman seeks to use tonight would help about 55,000 more families purchase houses in fiscal year 2001, and reducing FHA down payments for teachers and uniformed municipal employees would again increase the volume of FHA single-family lending.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I would certainly think in a period where Mr. Greenspan and company have begun an upward ratcheting of interest rates, that we would be especially anxious to do these things.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I thank the gentleman for making the point. For those who may not be fully familiar with our jargon, let me make the point that ''hybrid ARMs'' referred to a particular form of mortgage, and it is not a hotel for people of uncertain genealogy.

With the renewed hope that in conference, once the point of order does not lie, the very sensible prioritization of the gentleman from New York will survive, I yield back.

The CHAIRMAN. Does the gentleman from South Carolina (Mr. SANFORD) continue to reserve his point of order?

Mr. SANFORD. I do, Mr. Chairman.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not planned on speaking, but listening to the last speaker, I think it was a good dialogue, but the ranking minority member, my friend the gentleman from Wisconsin (Mr. OBEY) continually talks about tax breaks for the rich.

The left, in any fashion, cannot even stand or comprehend giving people their money back. It is not your money. To do that cuts power in this place, the ability to rain money down to different interest groups. It is just wrong.

The tax break for the rich, when we said the marriage penalty, people that get married, I do not think there should be a penalty for that. We do things backwards in this country with the IRS. I do not think we ought to tax work. I do not think we ought to tax savings. I think we ought to reward those. I think we ought to tax consumption. A different system.

The death tax, you know, I do not mind someone owning the Ponderosa. This country is so great, because you can work hard and you can do anything. Look at the people that have achieved, primarily those that have an advantage of education, but even the immigrants that come to this country. What a great country it is. I do not mind someone having the Ponderosa. As a matter of fact, I am excited about it, because that is part of the American dream. But my colleagues on the other side would have Little Joe and Hoss have to sell the Ponderosa because they cannot afford to pay the taxes on it.

The $500 deduction per child, that is not for the rich, that is for families. We pay too much taxes, and families are struggling to support their children. The Social Security tax, my colleagues on the other side, they just could not help themselves in 1993. They increased the tax on Social Security, and we did away with that. But yet that is a tax for the rich and our senior citizens.

□ 2015

After rhetoric and rhetoric and rhetoric, they said, in 1993, we want to give tax relief to the middle class, tax relief to the middle class, but yet the Democrats gave us one of the highest tax increases in the history of this country; and again, they could not help themselves, they had to tax the middle class as well. That was extra revenue for their spending here. They increased the tax on Social Security. Every dime out of the Social Security Trust Fund, they put up here and they used that with the tax increase to increase spending, and then they cut defense $127 billion. We think that is wrong.

Mr. Chairman, I would say to my colleagues on the other side, the rhetoric of tax breaks for the rich, they may get some of their people to believe it, but it is not so. They know it and I know it. They fought against the lock box for Social Security because it is a political issue, and we fought for a balanced budget. Alan Greenspan said it would cause lower interest rates, and in 1993, the Democrats' budget had deficits of $200 billion and beyond, forever; and they still increased spending and increased taxes and took Social Security

money to even increase that and then drove us further in debt.

Mr. Chairman, we have a vision. With the balanced budget, locking up Social Security and paying down the debt, we pay nearly $1 billion a day on the national debt. Can we imagine, $1 billion a day. Can we imagine what we can do in this body without having a tax burden on the American people and our children and our grandchildren? I mean, that is a vision worth going after.

My colleagues fought against welfare reform, the left did, because they want to just keep dumping more money; and on every single bill, my Democratic colleagues would say, well, we could fund this if it was not for the tax break for the rich. They just cannot bring themselves to give people their money back. They have to spend it. Of course, there is one area in which the left will cut and that, of course, is defense in many cases. We tried to protect Medicare and they used it as a political pawn in the last election, but the President overrode them and signed the Medicare bill. The same thing with Social Security and tax relief.

This exercise up here of the left for the November elections is almost laughable. One of the most difficult things that we have to do, when we sit up here and we try and get more dollars to the classroom in education and the left says oh, you are cutting education; well, we actually increased education. A good example is the Democrats, the maximum they ever contributed to special education was 6 percent. In 5 years, we got that, including Medicaid, up to 18 percent. We increased the budget $500 million this year for special education, which none of the Democrats, or very few of them voted for, supported it; but yet they say, the Republicans are cutting education. That is rhetoric, the same as tax breaks for the rich.

The CHAIRMAN. Does the gentleman from South Carolina continue to reserve his point of order?

Mr. SANFORD. I do, Mr. Chairman.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that there is a lot of that rhetoric that ought to be corrected, and I think we have an opportunity to do so.

I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

We have heard a very interesting rewrite of history, and I would like to give the facts rather than fiction.

Before Ronald Reagan came to office, we never had a deficit larger than $70 billion. Then he ran through this Congress a proposal which doubled military spending at the same time that it provided very large tax cuts. The result, we wound up with deficits approaching $300 billion, and we have been trying to dig out from those deficits for the last 18 years. Those deficits have added almost $4 trillion to the Nation's indebtedness.

President Clinton proposed that we change course, and he passed his budget in 1993 with not a single Republican vote in either House, and that budget put us on the road to deficit reduction. It was predicted at the time by the majority leader of the House and by the Speaker of the House that it would lead to record unemployment and a doubling of deficits. Instead, it did just the opposite, and anyone except fiction readers and writers recognize that.

When George Bush walked out of the White House, his prediction for the deficits for that year was $323 billion. A little different picture today. We now have surpluses in very large amounts, despite the fact that the Republican-controlled Congress in each of the last 2 years actually appropriated more money than President Clinton asked for, and so now we have surpluses, and the question is, what should we do with them.

The Republican Party's answer has been that we should provide a minimum wage bill of $11 billion worth of benefits to minimum wage workers, tied to a tax cut of $90 billion for people that make over $300,000 a year. They have proposed eliminating the inheritance tax. They claim that they are defending farmers and small business. Only one out of every 6,000 beneficiaries in that bill is a farmer or small businessman. So in contrast to our inheritance package, which would have exempted inheritances of up to $4 million per family, they said no, take off the whole lid. So they gave Bill Gates a $6 billion break; they gave the 400 richest people in this country $200 billion in tax cuts over 10 years.

Now they begrudge us our effort to provide this tiny little bit of housing for the poorest people in this country, paid for by an amendment that will raise money by providing additional housing for yet other people.

Mr. Chairman, it seems to me the record is clear. It seems to me our obligation is clear. We ought to pass this amendment.

Mr. HINCHEY. Mr. Chairman, I yield to the gentleman from New York (Mr. FORBES).

Mr. FORBES. Mr. Chairman, very quickly, I thank the gentleman for yielding. This is critically important. I mean, the gentleman from California just a moment ago referenced the rich and the poor. Well, let us look at these public servants. Let us look at these public school teachers who cannot afford to buy a home in the community where they teach. Let us look at the firefighters who are protecting our communities who cannot afford to buy a home where they are protecting our communities and our property and our lives. Look at the police officers who keep us safe and secure in our communities, and yet they cannot afford to buy a home in that same community.

I think this is a critically important need. As the gentleman from Wisconsin referenced, we come to the floor with the opportunity to do good for these public sector employees and, at the same time, raising the necessary revenue from fees that are a part of the FHA program that would further allow the disabled, people with AIDS, the elderly, to get into homes. I applaud my friend from New York, the chair of the subcommittee and the members of the subcommittee who, frankly, were working against great odds and very limited allocations.

But we have given them a way to solve this particular problem. They can allow school teachers, police officers and firefighters to get into housing; and at the same time, they can fill the need that so many in this Congress who have provided bipartisan support for the need to provide additional housing for the elderly, for people with AIDS, and the disabled.

The CHAIRMAN. Does the gentleman from South Carolina continue to reserve his point of order?

Mr. SANFORD. I do, Mr. Chairman.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, nice spin from the left. I would tell my colleague that in every case when the Speaker was Newt Gingrich, he voted every single time with the then majority until the gentleman went to the Democrat side.

Mr. FORBES. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I will not. The Contract with America the gentleman supported; the gentleman supported impeachment.

Mr. FORBES. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I will not yield.

Mr. FORBES. Mr. Chairman, if the gentleman from California (Mr. CUNNINGHAM) is going to characterize my record, I should be allowed to respond.

Mr. CUNNINGHAM. Mr. Chairman, those are the gentleman's actual votes.

Mr. FORBES. Mr. Chairman, the gentleman is using a broad generalization.

The CHAIRMAN. The gentleman from New Jersey (Mr. FRELINGHUYSEN) controls the time.

Mr. CUNNINGHAM. Mr. Chairman, in every case, in most of the cases, the gentleman voted with the majority; but now it has changed.

Mr. Chairman, I would like to respond to the spin on Ronald Reagan. Ronald Reagan only had the Senate for one term, and if we take a look at who controls the spending in this place, it is the Congress, not the President.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman from New Jersey yield for corrections? It is the gentleman from New Jersey's time. Will the gentleman from New Jersey yield?

Mr. FRELINGHUYSEN. Mr. Chairman, I am yielding to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I will be happy to yield in a minute.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK of Massachusetts. Is it not the person who controls the time who has the right to yield?

The CHAIRMAN. That is correct.

Mr. CUNNINGHAM. Mr. Chairman, in the case of Ronald Reagan, it is the Congress that controlled spending, not the President.

The President talks about the economy and how good it is. He has not passed a single budget since we took over the majority, except in 1993 when the Democrats controlled the House, the White House, and the Senate. The only mistake that I think that Ronald Reagan made was that he did not veto enough bills, but at that time the Democrats had such a large majority, it would have been difficult to override a veto.

Mr. Chairman, it is the Congress that spends, not the President. The President worked with the Congress, a Democrat majority, to reduce taxes, just like President Kennedy did, because both President Kennedy and Ronald Reagan knew that if we reduce taxes, we are going to increase revenue into the Treasury, and that is a fact. You can try to dispute it, but it is a fact.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman from New Jersey yield for disputing?

Mr. FRELINGHUYSEN. Mr. Chairman, I will not yield, only to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, my colleagues will continually bash Ronald Reagan; they will continually say tax breaks for the rich, but it just is not so. They can spend, they can try and rewrite history, but it just will not work. The fact is that the left cannot stand tax relief, even if it is for the middle class. They increased the middle-class tax in 1993, they increased the tax on Social Security, they increased the gas tax, they cut the military, they even gave us a retroactive tax, if my colleagues remember that. Not many people remember that one.

We have tried to go back, and we have reduced the Social Security tax; we have given working families and their children a $500 deduction. Capital gains paid for itself; ask Alan Greenspan. It gives us lower interest rates, putting Social Security into a lock box; it helps us pay down the debt, the national debt, which will take away from our children the burden that is on our backs. Yet my colleagues on the other side, in every single one of these bills, you watch, line item by line item, they want to spend more money, spend more money for this; and we could spend this if it was not for the tax break for the rich.

I can see my colleagues do not like that, but it is the truth. Over and over and over again, they cannot stand tax relief. That is why they fought us on the balanced budget; that is why they fought us on welfare reform, because it takes their ability to spend away. When they spend and spend and spend more than we have coming in, that builds up the debt, and over a long period of time, it has taken its toll.

Mr. Chairman, our vision is different. We pay down the national debt, keep the balanced budget going, and then we will be able to really help the people of this country by having a smaller, more efficient government, and again, which the left cannot stand.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back my time.

The CHAIRMAN. Does the gentleman from South Carolina continue to reserve his point of order?

Mr. SANFORD. I do, Mr. Chairman.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentlewoman for yielding. I was disappointed that the gentleman from New Jersey, when we thought we were having some back and forth, would not give us time.

□ 2030

I did want to point out to the gentleman from California that Ronald Reagan had a Republican Senate for 6 of his 8 years. That is a fact that even I believe the gentleman from California would probably have a hard time disputing. At no point was there ever in the House a majority approaching an override, so the notion that Ronald Reagan was facing this overwhelmingly Democratic Congress is one more figment of the imagination of the gentleman from California.

Mrs. CLAYTON. Mr. Chairman, I rise in support of the Forbes amendment. Unlike the bill before us and many of the amendments we have considered, this amendment takes us in the right direction. I know that the chairman and the ranking member indeed were working with constraints, but nonetheless, this bill takes us in the wrong direction.

I listened to the debate in the Mollohan amendment. The Mollohan amendment was timely and urgent. I regret a point of order was raised against it, and I regret my colleagues raise a point of order against this amendment.

It is for that reason that I intend to oppose the bill. The bill does not go far enough, deep enough. It is not about spending but it is about the priorities of the American people. It is not deep enough in addressing the serious and growing housing problem confronting this Nation.

For some, Mr. Chairman, this is the best of times. The United States is enjoying the longest sustained period of economic growth in the history of the Nation. Despite these rosy economic pictures, many are being left out. For those, these are the worst of times.

For at least 20 years now, there has been a troubling trend, a trend that affects the very quality of life for most Americans. It is an alarming and disturbing trend because fewer Americans can afford healthy meals, fewer can afford health care, fewer can afford education, fewer can afford decent housing and other means to a better life.

Housing is basic. Housing affects every person alive on the Earth, regardless of gender, race, class, religion, nationality, educational attainment, or marital status. The lack of adequate housing is a problem, but the lack of affordable housing is even a greater problem. A growing number of poor households have been left to compete for a shrinking supply of affordable housing.

Some may find this surprising in light of the economy. However, there are many, many, almost 1.5 million, who are said to be homeless in America today.

A recent article in the Washington Post described the high-tech homeless. In its profile several individuals were cited who were employed, in fact were earning good salaries, and they found themselves homeless because of the high cost of housing where they live. It is shocking. An executive in Silicon Valley who was earning $125,000 annually, when he lost his job suddenly, he was evicted from his apartment within one month. Another woman who earns $36,000 could not find affordable rental housing for her and her family.

It seems that while 250,000 new jobs have been created in Silicon Valley for the past 10 years, only a little better than 40,000 new housing units have been constructed, leaving a fierce demand and limited supply.

Recently there have been records in mortgage interest rates, leaving many people to believe that housing in the United States is more affordable than ever. That is not true. Despite the low mortgage rate, fewer people are able to afford to purchase homes. That is principally because income growth for the poor and the working poor has been weak.

This group of Americans are called cost-burdened, according to HUD. That means they are spending more than 30 percent of their income for housing. The poor and the working poor find themselves on a treadmill going nowhere. While all the attention has been placed on low interest rates and affordable mortgages, the spiralling costs of rental housing has been completely ignored.

There are actions we can seek to begin to take, and we should do it indeed by accepting these amendments. I want to put on record that the Congressional Black Caucus has made a pledge, and it is working in partnership with the private sector, to help and indeed to promote 1 million new homeowners in the next 5 years.

Our pledge was recently also reinforced by the Secretary of HUD, Secretary Cuomo, who said he wanted to build 750,000 new homeowners.

I know a point of order indeed will be considered. I think we must oppose this bill. It is wrong for America. It is moving in the wrong direction.

The CHAIRMAN. Does the gentleman from South Carolina (Mr. SANFORD) continue to reserve his point of order?

Mr. SANFORD. I do, Mr. Chairman.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of my dear friend and colleague, the gentleman from New York (Mr. FORBES) which will help firefighters, public school teachers, and police obtain better housing, affordable housing.

Every year the majority party underfunds affordable housing. Every year the President and Secretary Cuomo are forced to negotiate for every last family. Unfortunately, it looks like we are headed down the same road again. The VA-HUD bill is cut $6.5 billion below the President's request, and the President would be right to veto this bill.

Mr. Chairman, earlier my colleague, the gentleman from Wisconsin (Mr. OBEY), pointed out the record of this administration in balancing the budget deficits that haunted our country throughout the 1980s, deficits created during the Reagan years which he pointed out reached $4 billion. But this administration understands that the way to balance the budget is not to prevent low- and moderate-income people from having access to homes.

One critical area that the bill is very bad in is public housing. The bill cuts public housing funds $120 million compared to last year's level. Nationally, the average waiting list for Section 8 housing is more than 2 years. While the administration proposed 120,000 new Section 8 housing vouchers, this bill merely holds out the possibility that 20,000 may be funded if some overly optimistic Section 8 recapture levels are achieved.

This bill is especially hard on New York City and New York State. In New York City, the housing authority reports that there are over 131,000 families waiting for public housing. There are over 216,000 waiting for Section 8. These two lists combined is over 303,000 people who are waiting for low-income affordable housing in New York City alone, and this bill does them a great disservice.

The turnover rate in housing in New York is minuscule, 3.8 percent for public housing and less than 5 percent for Section 8. The only way to help needy people and needy people across the country find homes is to provide new vouchers and fair funding for public housing, and I would say the passage of this amendment.

We also have a huge problem in New York with expiring Section 8 contracts. In my district this is affecting thousands of people. In recent years I have been successful in working with HUD to preserve some of this housing through the mark to market programs. Thanks to HUD funding, thousands of people living in Renwick Gardens and 209 East 36th Street complexes in my district retained their Section 8 housing.

Today my biggest concern is the Marine Terrace complex in Queens, where again Section 8 contracts have run out for thousands of families and thousands of families may lose their homes.

Mr. Chairman, we keep hearing about compassionate conservativism in the press, but there is no compassion in this bill. Programs under VA-HUD benefit some of our Nation's most needy citizens, and this bill does them wrong. This bill provides no new increased funds for elderly housing, for homeless assistance grants, for housing opportunity for people with AIDS, or for Native American block grants.

The record of this Congress on housing matters is exceptionally poor for New York State, New York City, and I would say the entire country over the past 6 years. In fact, this bill funds homeless prevention programs at a level 21 percent lower in real terms than 6 years ago, when the Democrats were in the majority. Elderly housing is funded 53 percent lower than 6 years ago, public housing is 27 percent less than 6 years ago, and home ownership counseling is funded 70 percent less than 6 years ago.

Mr. Chairman, the people who benefit from these programs do not have high-paying lobbyists representing them with these secret 527 groups pushing their special interests. They are simply needy Americans who need housing assistance.

So I call on my colleagues to support my colleague's bill, which is doing something to help affordable housing across the country, but overall, this bill hurts housing. It is a bad record. It has been a bad record for housing for the past 6 years. I urge my colleagues to support my colleague's amendment, but the overlying bill is just plain bad policy, especially in a time when we have surpluses.

The CHAIRMAN. Does the gentleman from South Carolina (Mr. SANFORD) continue to reserve his point of order?

Mr. SANFORD. Yes, Mr. Chairman.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have had the privilege of serving as ranking member of the Subcommittee on VA, HUD, and Independent Agencies under the service of our very distinguished and able chairman, the gentleman from New York (Mr. WALSH) for a year, and this is my second year.

It has been a distinct pleasure to serve with the chairman and serve under the chairman as he has processed these bills, and as I said in my opening remarks, he has been extremely fair and responsive to the minority as we have worked through them.

One of the areas of the bill that I have been very impressed about his support for is the area of the bill that we now are debating, which we are debating, the HUD section. He has been a real advocate on the committee, and exercised his leadership role to the advantage of public housing and all the programs that this amendment really speaks to.

I have to conclude from that that the chairman overall, and not speaking specifically about any particular provision, supports this idea of funding these programs that we were not able to fund at the President's request.

The other gentleman from New York (Mr. FORBES), I am extremely impressed with the amendment he has come up with here. He has not only expressed his concern for our level of funding, an inadequate level of funding for housing for the elderly, for housing for the disabled, for homeless assistance grants.

He has not only expressed his concern with it and come up with dollar increases for it, but he has done what many amendments, including my amendment, did not do tonight: He has come up with the funding for it. It is an excellent source of funding. I think the gentleman from New York (Mr. FORBES) is to be commended for his ingenuity here. He has taken a piece of legislation that we have passed on the House floor, H.R. 1776, the American Home Ownership and Economic Opportunity Act, and taken provisions out of that to fund this bill, to find $114 million in the first year.

What is significant about that? What is significant about it is that the House has already expressed its attitude about the provisions of this legislation. We passed this act in the House on April 6 of this year by a vote of 417 to 8, so the House has already expressed

its will on the authorizing provisions that the gentleman from New York (Mr. FORBES) is offering to fund the increases in these worthy housing programs that I support and I have to imagine the majority supports.

I want to commend the gentleman for that and speak in particular favor of it, because all that has to happen for us to have the increase in housing for the elderly up to the President's request of $779 million, all that has to happen to increase funding for Section 8–11 housing for the disabled up to the President's request to $210 million, and to increase homeless assistance grants, which is desperately needed, by $20 million, would be for the gentleman from South Carolina (Mr. SANFORD) to release his point of order on this amendment.

Mr. Chairman, I would suggest if that were to occur and we had no other objection raised we would be affirming, if you will, a vote that has already occurred in the House, as I say, on April 6. With an overwhelming majority 417 to 8, the Members of this body approved the funding mechanisms that the gentleman from New York (Mr. FORBES) is suggesting to fund this, if the gentleman from South Carolina would release his point of order.

If he did that, we would be funding these accounts, authorizing the provisions in the appropriation bill, doing what the House wanted to do with the American Home Ownership and Economic Development Act, do what the National Association of Realtors is asking us to do, to authorize these provisions, and at the same time increasing funding to the President's request in some cases, and in some cases, like the homeless, providing $20 million more to programs that are extremely worthy.

I would ask the gentleman from South Carolina (Mr. SANFORD) if he would release his point of order and we could move forward and, perhaps on a real bipartisan basis, approve the amendment offered by the gentleman from New York (Mr. FORBES) to fund these projects.

The CHAIRMAN. Does the gentleman from South Carolina (Mr. SANFORD) continue to reserve his point of order?

Mr. SANFORD. Unfortunately, I do, Mr. Chairman.

The CHAIRMAN. The gentleman reserves his point of order.

□ 2045

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just to respond to my colleague, I would simply say that my colleague from New York and, frankly, a lot of other colleagues both on the Democratic and Republican side of the aisle have been very consistent in their advocacy, whether it is for helping fire fighters or policemen or teachers; and I admire that. I really do.

My contention and the reason I raise this point of order tonight is simply tied to a belief, again, I was outvoted on this, but a belief that our Founding Fathers set up a rule of law based on equality under the law.

Any time that I see a fire fighter and a policeman and a teacher, all of whom do great benefit to our society, I also have to ask, well, does a welder do great benefit to our society, or does a private school teacher do great benefit to our society, or does a nurse working for a private hospital do great benefit to our society. I believe that they, too, help out. They are not in the public sector, but they do make a contribution to the society.

So my objection is solely based on the idea of equality under the law, and that is the reason I would insist on my point of order.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. Certainly I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would like to say that I raise the question about the legitimacy of the point of order. I want to make it very clear the gentleman from South Carolina (Mr. SANFORD), given his intellectual honesty, has every right to raise a point of order. I would just say this, any Member who, unlike other Members, sticks by his term limits pledge is entitled to raise this point of order.

POINT OF ORDER

Mr. SANFORD. Mr. Chairman, I raise a point of order. Reluctantly, I raise it, not against the gentleman from New York (Mr. FORBES), but against the underlying amendment in that it directly amends existing law in several respects in violation of clause 2 of rule XXI specifically.

The CHAIRMAN. Does anyone wish to be heard on the point of order?

The Chair is prepared to rule.

The Chair finds that this amendment directly amends existing law. The amendment, therefore, constitutes legislation. The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $20,000,000 to remain available until expended, which amount shall be awarded by June 1, 2001, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: *Provided,* That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

AMENDMENT NO. 36 OFFERED BY MRS. MEEK OF FLORIDA

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 36 offered by Mrs. MEEK of Florida:

Page 30, after line 14, insert the following new items:

URBAN EMPOWERMENT ZONES

For grants in connection with a second round of the empowerment zones program in urban areas, designated by the Secretary of Housing and Urban Development in fiscal year 1999 pursuant to the Taxpayer Relief Act of 1997, $150,000,000 to the Secretary of Housing and Urban Development for ''Urban Empowerment Zones'', including $10,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone, to remain available until expended.

RURAL EMPOWERMENT ZONES

For grants for the rural empowerment zone and enterprise communities programs, as designated by the Secretary of Agriculture, $15,000,000 to the Secretary of Agriculture for grants for designated empowerment zones in rural areas and for grants for designated rural enterprise communities, to remain available until expended.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentlewoman's amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order.

Mrs. MEEK of Florida. Mr. Chairman, my amendment is an amendment that would include $150 million to Round II Urban Empowerment Zones and $415 million to Rural Empowerment Zones, the full amount proposed in the President's budget for fiscal year 2001. It would serve as a down payment on the funds which were promised and have been due to Round II funds.

I realize, Mr. Chairman, that this amendment does not include an offset. We hear a lot on this floor about offsets. I think we hear too much of that. We are hearing it because it is an intellectual cop-out that we use when we do not want to fund something.

But I am pleading with this body to understand the importance of the Empowerment Zone. It is a major economic development initiative designed to revitalize deteriorating urban and rural communities. Its purpose is to create jobs and business opportunities in the most economically distressed areas of the inner city and rural heartland.

The growth of the economy has bypassed these communities. Take my home county of Miami-Dade. We were given a designated Empowerment Zone, and the unemployment rate is 15 percent, and the poverty rate is 48 percent. Clearly, trickle-down economics is not working for these communities.

The Empowerment Zone discussion in this Congress is a well-kept secret. No one talks about it. No one wants to discuss it. Yet, there are Empowerment Zones in Round II that have been designated for many communities of people who are on this floor, who have

promised and told their constituents that they would get Empowerment Zones: Southwest Georgia; Riverside, California; Boston, Massachusetts; Cincinnati, Ohio; St. Louis, Missouri; Knoxville, Tennessee; New Haven, Connecticut; Columbus, Ohio, are just a few of them. The one in Miami is in my district. The growth of the economy has bypassed these districts.

These distressed communities will benefit enormously by a strong and committed Federal investment that leverages private sector dollars. This is not government money alone. They leveraged private sector dollars. In fact, the comparatively modest Federal investment of $1.5 billion over 8 years for the 15 urban Round II Empowerment Zones alone will generate an additional $17 billion in local investment, 35 percent of which will be contributed by the private sector, Mr. Chairman.

These are important zones. I want my colleagues to know that Empowerment Zone designation is not an easy process. Distressed communities had to work long and hard before being designated as Empowerment Zones. It is a very competitive process. The prospect of having an Empowerment Zone brings together all segments of the community, public and private.

Every year that we do not fully fund Round II Empowerment Zones, the harder it becomes to get these coalitions together. Imagine, Mr. Chairman, bringing the private sector to the table, working with public entities, and planning for an Empowerment Zone; yet when it is time to have them funded, it is a very solid issue.

I know firsthand about the process. I cochair, along with the gentleman from Florida (Mr. DIAZ-BALART), the Empowerment Zone Committee for Miami. We spent many months and countless hours working with the local government, businesses, community development corporations, and community leaders preparing the Empowerment Zone application. When we were finally chosen, there was no funding. That was a cruel joke for the gentleman from Florida (Mr. DIAZ-BALART) and myself for Round II Empowerment Zones.

A key element of the program for Round I participants was Federal funding, the Federal Government came through with that, made available through the Title XX Social Service Block Grant Program. Mandatory Social Service Block Grant funds provide a consistent and reliable source.

The CHAIRMAN. The time of the gentlewoman from Florida (Mrs. MEEK) has expired.

(By unanimous consent, Mrs. MEEK of Florida was allowed to proceed for 1 additional minute.)

Mrs. MEEK of Florida. Mr. Chairman, getting the funding for the Round II Empowerment Zones has been impossible. Last year, the VA-HUD appropriations bill for fiscal year 2000 included $3.6 million for each Round II Empowerment Zone instead of the expected $10 million for the first year.

Recently, in the agreement announced by the White House and the Speaker, funding was again promised as a part of the deal, not to mention a third round of Empowerment Zones.

I am just asking this committee and this House to keep faith with the promise they have made to the American people for Empowerment Zones, and working very hard toward trying, through this process, to do what is right, to fund these zones.

Mr. Chairman, we must finish the work which we have begun and fund these Empowerment Zones. I ask the Members to vote positive for my amendment because it is a people's amendment.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order.

Mr. WALSH. I do, Mr. Chairman.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to tell the gentlewoman from Florida (Mrs. MEEK) that many of us on this side of the aisle, reaching way back in history to Jack Kemp, when Jack Kemp talked about Enterprise Zones and reducing the burden, what we found in the inner cities is that a lot of the businesses left, crime erupted because the businesses left because of crime; and then it became a vicious cycle of welfare and drugs and the rest of the things. People had no place to work.

In Los Angeles, during the riots, the Enterprise Zone worked very good because many of those small businesses, already depressed, produced no revenue. It put people out of work. They were then drawing welfare or unemployment. Instead, then Governor Pete Wilson set up Enterprise Zones to reduce the taxes on those particular areas so that they would have a chance to start. Guess what, those small businesses came back with reduced tax rates. They hired people. So instead of drawing welfare or unemployment, it put working people to work.

The Enterprise Zone, or I am not sure of the Empowerment Zone, but I would imagine it is very simple, and it worked very, very well. I do not know, but I would think that that would be under the Committee on Ways and Means. I am not sure if it is under the jurisdiction of this committee or not since it deals with taxes, but maybe the gentlewoman from Florida is talking about something different. But the concept of going in and helping people to help themselves is a good one.

Mr. Chairman, I yield to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding to me. The Empowerment Zone concept is a well-kept secret. In terms of what committee of reference it should preside, it is hard to say in that, since we have been relegated, been given an Empowerment Zone, I do not think any committee has dealt with it, particularly with the Round II shortchanges we have had.

I thank the gentleman for really letting the Congress understand what Empowerment Zones do, because if they are funded, they can bring the community together. It is one of the strongest economic development initiatives, and I wish we could fund it.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. Reluctantly, Mr. Chairman, I do.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words to speak briefly in support of the amendment to increase the funding committed for Empowerment Zones.

But I also want to say the value of the gentlewoman's amendment is far understood. I ask the gentlewoman from Florida (Mrs. MEEK) to enter into a colloquy with me.

My understanding is there was an appropriation both for urban and rural. Since I come from rural America, I can tell the gentlewoman that we need to have the tax incentives to stimulate the economic development.

I was in New York over the weekend like the gentlewoman from Florida was and saw the impact of an Empowerment Zone which had become an economic engine using high-tech and Bell Atlantic to generate jobs. To have that kind of partnership between the public and the private sector, the city, the State, and the Federal Government working together, I think it was an excellent example, some of the best practices how we can have economic development.

Now, coming from rural America, I want to see that, whatever increase comes, it would also have an opportunity for those of us who live in rural America because we have been shortchanged by this economy, shortchanged by sometimes the appropriation; and we do not want to be left out of the formula.

I support the concept and support the gentlewoman's amendment, but I want to make sure that I heard that rural America had the same opportunities.

Mr. Chairman, I yield to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Yes, Mr Chairman. I think the gentlewoman from South Carolina is right. There is just as much opportunity in rural areas as in urban areas. They have the same needs for economic development. The gentlewoman has been a strong proponent of rural housing since she has been here. What any better way than to have an appointment as an Empowerment Zone.

I also want the gentlewoman to know that the Round II Empowerment Zones

have many rural communities involved in them. Many of them were enterprise communities, but there were some who had Empowerment Zones as well.

Mrs. CLAYTON. Mr. Chairman, reclaiming my time, did it include Empowerment Zone and enterprise community, both rural and urban areas?

Mrs. MEEK of Florida. Mr. Chairman, if the gentlewoman will yield, that is correct, both of them.

Mrs. CLAYTON. Mr. Chairman, Round II would have meant that they would have continued those that were in existence?

Mr. Chairman, I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. At the funding level they were promised, Mr Chairman.

Mrs. CLAYTON. Mr. Chairman, we had one in our district, and I will tell the gentlewoman they are suffering. We had water and sewage provided, but we have not had the second provision for the enterprise community. We did not get an Empowerment Zone.

But even the enterprise community allowed us to bring water and sewer and to entice economic development. Now that they are almost ready, we do not have that additional resource to make sure we have the kind of infrastructure that would attract the businesses to those communities. We do not have the money for the staff capacity. As the gentlewoman well knows, the collaboration to make this hatch requires a lot of people working together, and you need to have staff in order to do that, and that is what we are suffering from.

□ 2100

Mrs. MEEK of Florida. If the gentlewoman will continue to yield, I thank her for her contribution, because she has really applied the cause for enterprise zones in rural communities.

I am just hoping as we go along that the chairman, in all of his work with the committee and in conference and with the ranking member, will work forward to getting monies into empowerment zones and the enterprise communities. They are both very worthy causes.

Mrs. CLAYTON. Reclaiming my time, Mr. Chairman, if I entertain the chairman in a colloquy, and I know the chairman is committed, because I know he is one of the most committed persons to economic development and housing. I know it pains him that he cannot provide all these resources, but does the gentleman still persist that he must have a point of order?

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I would just respond to the gentlewoman that the reason for this is because it is clearly the jurisdiction of the Committee on Ways and Means, and we cannot usurp that jurisdiction. It would be a problem.

I have listened to the gentleman from California (Mr. CUNNINGHAM) speak and listened to the gentlewoman from Florida (Mrs. MEEK) speak. I am a supporter of empowerment zones and enterprise zones. I am a former city council president. I am a city person. I know the need and I know they are needed in rural areas too. But we just cannot encompass that in this bill. It would also put us over our allocation in violation of the Budget Act. So, reluctantly, I have to insist on the point of order.

POINT OF ORDER

The CHAIRMAN. Will the gentleman from New York (Mr. WALSH) state his point of order.

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 20, 2000. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from Florida (Mrs. MEEK) wish to be heard on the point of order?

Mrs. MEEK of Florida. No, I do not.

The CHAIRMAN. The Chair is prepared to rule.

The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority. The amendment offered by the gentlewoman from Florida (Mrs. MEEK) would, on its face, increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act. The point of order is, therefore, sustained. The amendment is not in order.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me just say first of all that I am reminded tonight of the fact that really the right to decent and affordable housing should really be a basic human right and this bill goes in the opposite direction.

As a member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services, I am acutely aware of the enormous housing needs of our Nation, and especially in the State of California. Housing costs in northern California, which I represent, are particularly alarming. Housing costs are reaching astronomical heights and are becoming increasingly impossible for moderate wage earners to meet. The working poor, the disabled, and our senior citizens are in greater jeopardy than ever.

Today, I talked to a constituent who is a senior citizen in my district, and who is in desperate need of housing. She has been told that there are from 3 to 5 years in terms of a waiting list. Now, that can be a lifetime for an elderly individual. If anyone needs confirmation of this crisis, I direct their attention to the State of the Cities report released by HUD this past Monday in Seattle.

This report outlines the paradox between economic growth that is increasing employment and homeownership and the dramatic increases in rents and housing prices. The report also notes that over the 1997 to 1999 period, house prices rose more than twice the rate of inflation and rent increases exceeded inflation for all 3 years. Furthermore, among the top 10 markets that HUD identifies as the hottest high-tech markets, house prices rose more than 18 percent in the last 2 years, and in 1999 rose by 27 percent. That is outrageous.

In this best of all economic times, deservedly celebrated as unusual in its longevity, why are we now talking about cutting out the bare necessities for those who absolutely cannot survive without help? Why are we cutting the bare bones of housing and the economic opportunities to really reach some level of self-sufficiency?

We kick people off welfare and tell them to be independent and we keep a few scaffolds to hold them up until the foundations and the pillars can be reinforced. With the cuts in this bill, we are kicking out these few scaffolds and supports that remain. So what do we suppose will be the outcome?

Congress must do more than maintain the status quo with the underfunded Section 8 program. Congress should do better than ignore the moving to work program and dismissing welfare to work vouchers. We can also do better than underfunding elderly and disabled assistance programs by $78 million.

Mr. Chairman, the American Dream is one of living in suitable and quality homes. It rightfully gives us a serious stake in this society. Having safe, clean affordable housing really allows us to have a solid place from which we can accumulate some wealth, for those who can afford to buy a home, to care for our families, to send our kids to decent schools and to invest in dreams for the future. This bill really does turn those dreams into nightmares.

This Congress is elected to serve everyone in this Nation, as well as to be particularly attentive to our own constituents. This bill is neither attentive nor cognizant of the fact that millions are homeless or live in substandard housing. It also ignores the fact that millions are living from paycheck to

paycheck or are neglecting other basic needs, such as nutrition or health needs, because of the high cost of housing. This bill really does not serve everyone. And I cannot in good conscience, and I hope many of us here tonight, will not vote for this and neglect our constituents and other Americans. Housing really should be a basic human right.

So let us go back to the drawing board and put forth a budget that values the housing requirements of the poor, of our senior citizens, of the disabled, of the homeless, of our working men and women, who deserve a decent and affordable place to live. That is the right thing to do.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in opposition to H.R. 4635, the VA-HUD Independent Agencies appropriations bill. I stand opposed to this bill because the American people cannot stand here today and demand to be heard. I stand opposed to the bill's funding levels because, in the midst of economic prosperity for many, others have been left out of the process. We must provide hope with support for children, families and communities suffering all across this Nation.

I cannot support this bill that turns its back on the affordable housing crisis in America. I cannot support a bill that overlooks 5.3 million households, or 12.5 million Americans, with serious housing needs. Moreover, with the average waiting period for Section 8 vouchers or public housing units being over 2 years, we cannot afford to wait. We must provide relief to this ever growing problem. We must provide increased funding not only for affordable housing and public housing but for elderly housing as well.

CDBG, the Community Development Block Grants, were developed for those with low to moderate incomes. Since 1974, CDBG has been the backbone of communities. It has provided a flexible source of grant funds for local governments to devote particular development projects and priorities.

I am tired of hearing about Wall Street's prosperity. Let us see a little prosperity running down East 105th Street in Cleveland, which is in my district. This bill cuts progress that would come to communities via Community Development Block Grant funds.

Within CDBG, this bill cuts $44 million from Section 108 loan authority, cuts every community development program, and also cuts $275 million from last year's CDBG funding level.

Let us talk about homeownership and affordable housing. Housing and expanding homeownership is of great concern to the 11th Congressional District. We must find solutions to provide affordable housing for all. H.R. 4635 does not get us there.

This bill cuts the President's housing request by more than $2 billion. This reduction denies the request for 120,000 new rental assistance vouchers, has a $78 million cut in elderly and disabled housing, and a $28 million cut in providing housing assistance for people with HIV/AIDS. Shame on this Congress if we do not provide the necessary aid for those who need it most.

In addition to neglecting housing, economic development is forgotten as well, for this bill provides zero funding for empowerment zones, zero funding for APIC loan guarantees, cuts in the New Markets Initiative, and a 20 percent cut in funding for Brownfields redevelopment.

This appropriations bill is a reverse Robin Hood. Yes, it robs neighborhoods all over this Nation. It robs communities that use CDBG funds for child care, Meals on Wheels, and other community programs.

If we want to expand homeownership opportunities, let us do it the right way. Include funding for HOME funding, which funds low-downpayment homeownership programs and affordable housing construction. This bill cuts HOME funding by $65 million. Let us fund housing counseling, which helps in the fight against the growing problem of predatory lending. This is counseling which is needed across this country as the predators continue to prey on low-income persons who really need counseling advice.

What is the reality here? The reality is that this appropriation bill does an injustice to Americans all over this Nation who need help. We cannot continue on this road of denial and neglect. We cannot in clear conscience support H.R. 4635 and then move to the upcoming celebration of independence on July 4, for there are people who are still not free: Homeless persons, those without decent housing and living conditions, and those living in deteriorating communities.

We must never forget the words inscribed at the Statute of Liberty: ''Bring me your tired, your poor, your huddled masses yearning to breathe free.'' Let us breathe free by being a just Congress, a just House of Representatives, a House of the people, by the people and for the people.

Support housing, support community development, support the elderly. Oppose H.R. 4635.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,505,000,000: *Provided*, That of the amount provided, $4,214,050,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301), to remain available until September 30, 2003: *Provided*, That $67,000,000 shall be for flexible grants to Indian tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $3,000,000 shall be available as a grant to the National American Indian Housing Council, and $39,500,000 shall be for grants pursuant to section 107 of the Act: *Provided further*, That $15,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That $20,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program: *Provided further*, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for ''Planning and Management Development'' and ''Administration'' as defined in regulations promulgated by the department.

AMENDMENT NO. 37 OFFERED BY MRS. MEEK OF FLORIDA

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mrs. Meek of Florida:

Page 30, line 20, after the dollar amount, insert the following: ''(increased by $395,000,000)''.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentlewoman's amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order against the amendment.

The gentlewoman from Florida (Mrs. MEEK) is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Chairman, it is really heart wrenching and heartbreaking when a point of order is usually coming from the floor regarding some of the things that people back home do not even understand.

Someone who does not have housing, someone who is living in a run-down dilapidated community knows nothing about the nomenclature of this Congress. That nomenclature includes offsets, it includes point of order, it includes authorize. All of those types of terminology is based on a stalling technique to hold back growth in the cities. Now, our cities are rundown, they are dilapidated, and we need to do something about it. That is what Community Development Block Grant money is supposed to do.

Now, I have fought very hard on this floor for CDBG funds. They are being dissipated with everything but what they were designed to do. Many times that is by design. But, anyway, I want to increase the funding in the bill for Community Development Block Grant programs, and I want to increase it by $395 million to raise the funding level in the bill to $4.9 billion. That is the President's request.

□ 2115

Now, Mr. Chairman, I understand my amendment raises community development funding only to the level of $4.9 billion. So we can see that my amendment is a very reasonable compromise that I am certain the subcommittee chairman and my colleagues can enthusiastically support.

I also understand that there is no offset for this particular amendment. But I want to raise the consciousness of this Congress as well as to have them realize that something has to be done to improve Community Development Block Grant funds.

I have a letter here, Mr. Chairman, from the Conference of Mayors, in which I am sure, just reading this, there are more than 200 signatures on this letter; and they are calling for a community development funding level of $5 billion.

We keep saying we want to return the money back to the people. What is any better way to return this money we keep hearing about back to the people? The $5 billion that we are asking for will help these crumbling cities, and it will keep us going in our cities and in our rural communities, as well.

It is important to note that the bill's total for CDBG, $4.505 billion, is $95 million less than the $4.6 billion provided 6 years ago. Six years ago there was more money provided for CDBG than there is now. Think about it. Someone is mathematically challenged here. With 6 years of inflation, the cut in CDBG purchasing power since fiscal year 1995 is actually about 15 percent, which is a huge cut in a program that works so well and does so much good.

All of my colleagues realize and understand the CDBG program. It is one of the most popular government programs. We keep saying we want to adequately fund proven programs. CDBG is a proven program. It provides communities with flexible funding to develop and build housing and economic development projects that primarily benefit low and moderate income people.

Probably most of my colleagues have CDBG projects in their district that have either been completed or are under way. CDBG funding has been provided locally. We are going back again to sending the money back home. It is not administered from here but back home. Very often they are able to leverage it.

This is the right time, Mr. Chairman, to increase Community Development Block Grant appropriations to take advantage of this real strong economy. What better time can we have that we can leverage it than now?

My amendment, Mr. Chairman, presents a tremendous opportunity to help this Nation's poor. It is one of the first tools that cities can turn to. When we drive through Washington, Virginia, wherever we go in this country, we will see these low, run-down communities.

Why can we not build our communities? We have more money being sent to foreign nations than we have trying to build our distressed communities. There is something wrong with that, Mr. Chairman. It is wrong-headed. There is something wrong in poking ourselves in the nomenclature of denial. That is what we are doing. We are denying these people who can help their communities, who can leverage this. There are so many people in this country who want to invest, Mr. Chairman, in some of these communities.

So I am asking my colleagues to support this amendment. It does not involve an offset. The VA bill is terribly underfunded as it is.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentlewoman from Florida (Mrs. MEEK) has expired.

(By unanimous consent, Mrs. MEEK of Florida was allowed to proceed for 1 additional minute.)

Mrs. MEEK of Florida. Mr. Chairman, my amendment does not include an offset. This VA–HUD bill is already terribly underfunded as it is. The chairman and the ranking member have worked very hard to try to get us better funding than we have, but we are still in that position. We are tied down by the constraints, our own constraints. We put an albatross around our own necks.

When we go back to our communities, our people will not know anything about offsets. They do not know anything about that. But they do know when their communities are crumbling under their feet.

So I am hoping that no one will make that point of order, that this House will adopt my amendment today and adequately fund the CDBG program, the lives of those who have been left behind by the booming national economy.

I spent some time on Wall Street the other day, Mr. Chairman. I was shocked. I am a senior citizen. I have never been on Wall Street where I was at the Stock Exchange. And it was marvelous to see where the money is turned over. But do my colleagues know what? It is not getting back to those communities, to those poor people whose government can help these people.

The CHAIRMAN pro tempore. Does the gentleman from New York (Mr. WALSH) insist on his point of order?

Mr. WALSH. Yes, I do, Mr. Chairman. I continue to reserve my point of order.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate can go on and on and on and it probably will sort of ad nauseam. I support the gentlewoman from the great State of Florida (Mrs. MEEK).

For the life of me, it is difficult to understand where some of my colleagues are coming from when they talk about cutting efforts and reducing resources toward an issue that seeks to expand homeownership.

The one sort of valuable asset that most people ever own in their lives, we all hope to invest in stocks that will generate huge yields and make a lot of money for us, but the truth be told, the one major asset, the most valuable asset that most Americans will control or own in their lives is a home.

We are close to 5½ million people. In this Congress, we often use the term ''low income'' to describe some of the folks that will benefit from this initiative. But whether they are low income or middle income or even high income, they are still Americans. There are 5.4 million who have worse-case housing scenarios.

Empowerment Zones and Community Development Block Grants really empower cities and local players working with the market and those in the private sector to come up with solutions to help expand homeownership and expand economic opportunity of all Americans.

I was on that trip with my colleague from Florida (Mrs. MEEK) to New York and did not have the opportunity to visit the New York Stock Exchange as some of my other colleagues did, but have had opportunity in the past.

I hear so many of my colleagues often talk about how government is around people's necks and it is squishing innovation and creativity and wealth in America. Let us deal with a few facts for one moment.

The Dow has grown three times over the last 8 years. Some people suggest that this President has not been a good one, but I think he deserves just a small bit of credit for not standing in the way of those entrepreneurs and business people from growing this economy.

Wealthy Americans have seen their wealth. Some of them have doubled, tripled. Some have even quadrupled. I love that. I support that. That is what distinguishes our Nation from so many other countries around the globe, why so many people seek to come to this great Nation.

We in government in a lot of ways have a responsibility to ensure that we bring the market to those communities and those neighborhoods that ordinarily might not benefit and might not, I should say, see the benefits of a strong economy.

When we bring the market to communities that ordinarily do not see it, and I applaud the President's new market initiative and even some on that side that have come up with innovative ideas, my colleague from Oklahoma and other members in that caucus on the other side, finding ways to bring more people into this new economy, it would seem to me that Empowerment Zones and Community Development Block Grants would be something that

those on the other side would be eager, would jump to support.

In many ways, it is the public and the private partnering, working together to empower people who ordinarily might not be empowered. We have an opportunity, unlike any generation of Congresspeople, searching for solutions at a time when we are not running a deficit. We still have an enormous debt that we have to service and ensure that we pay down, and there are plans on the table in which to do that, but we now have a chance to help empower new groups of people and not worry as much as perhaps a generation before.

My dad served in this Congress for 22 years. He never had this chance, never had this opportunity. What do my friends on the other side choose to do with this chance and this opportunity? In my estimation and in many of my colleagues' on this side, and I would agree with the young gentlewoman from Florida (Mrs. MEEK) the nomenclature, the terminology we use here is confusing not only to those at home but even sometimes to those of us in this Congress, we choose, in my estimation, to squander this moment.

Instead of taking the opportunity to invest in folks who want an opportunity, who want a chance, we have chosen not to. Shame on us as a Congress. We will have only ourselves to blame if we look back a few years from now and realize that this window is closed and we took no opportunity to expand HOPE, to expand opportunity to hundreds of thousands and perhaps millions of Americans crying out for this chance.

From a parochial standpoint, I have thousands of people on the section 8 waiting list, Mr. Chairman; meaning they want to own their own home, they want to realize the American dream. All they are wanting is a hand up. We have an opportunity to do that this evening and in the coming days in this Congress. But based on what has been put before this Congress, H.R. 4635, it seems once again we are going to fail not only those in Florida, not only those in Texas, not only these in New York and Tennessee and even my dear friend from New York, but we are going to fail the 5½ million people scattered across this country who are doing nothing more than asking what every stockbroker in the stock exchange asks for, and I support that, what every high-tech executive in Silicon Valley and Silicon Alley and Austin and Boston and Northern Virginia are asking for, just a chance and just an opportunity.

We have a chance in this Congress to do that this evening and in the coming days. I would hope my colleagues on the other side would take a second look at what they propose and make the effort to fix it. This is one way to fix it, to support the amendment of the gentlewoman from the great State of Florida.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) reserve his point of order?

Mr. WALSH. Yes, I do, Mr. Chairman.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentlewoman from Florida (Mrs. MEEK) has presented us with an excellent opportunity. I wish I could waive the procedural wand. And I do respect the chairman retaining and reserving his point of order.

I stood on this floor before, and I have acknowledged the hard work of the chairman and the ranking member. I did that as I supported the effort of the ranking member to add $1 billion to this legislation, this appropriations bill. And now I come to acknowledge the good work of the gentlewoman from Florida (Mrs. MEEK) on two elements that she has offered to explain to the American people and to our colleagues.

I said that I wished I had a magic wand, because I think the message that we are trying to portray and to explain is that this is a return on America's tax dollars. We have come to the floor of this House and eloquently debated the importance of giving an estate tax relief; and, frankly, I believe that over the long haul we can collectively, in a bipartisan way, do something for those individuals who deserve some estate tax relief.

The bill we passed the other day, of course, was just to fatten the pockets of about 1 percent of America's people.

But when we begin to talk about an Empowerment Zone and Community Development Block Grants, we are talking to the working men and women of America; and we are saying to them, we are not grabbing hold of their tax dollars, holding them close to our chest, never to return them back to the highways and byways of the local community.

What the gentlewoman from Florida (Mrs. MEEK) is arguing for is to give back to the people of America who live in rural areas and urban areas who are sometimes keeling over from decay, give them back the tools that they can work themselves.

Our President and the leadership gathered together to understand the concept and promote the concept of empowerment and they named it Empowerment Zones. I understand that my colleague from Florida has an Empowerment Zone. The good citizens of Houston and other parts of Texas are seeking to secure an Empowerment Zone.

It is not a handout, Mr. Chairman. It is putting the mind and the intellect and the engine of ingenuity together in our local communities coming up with a plan that will take Federal dollars and invest them wisely. That is an Empowerment Zone.

So I support the $150 million that we should be putting into this legislation to be able to support the many applicants around this Nation, rural and urban alike, who have sought the opportunity to invest in their own neighborhoods. It is a tragedy that we would deny them that. It is a tragedy that we do not explain to the people of America what the Empowerment Zone means and what these Community Development Block Grants means.

Let me tell my colleagues what they mean in Houston, Texas. They mean a new police station. They mean a new library. They mean a new inner city park where there were no parks. They mean a new health clinic. Because the City of Houston can take these block grants and embrace them and utilize them for the needs of the community. They need help in historic zones and help in the areas that they are claiming to be a historic zone.

They can also be used to help people suffering from AIDS in a variety of support services. They can be a multiservice center where my elderly come every day in a safe and secure and air-conditioned location. And I tell my colleagues that if they live in Houston, Texas, in August, if they live there in July, if they live there in September, they need air-conditioning. This is what Empowerment Zone monies mean, and this is what CDBG monies mean.

As I said on this floor before, in the most prosperous of times, when we have the most prosperous time in our history, the question will be asked of us, what have we done for those who are voiceless, who cannot speak for themselves. I would imagine that the working men and women and that the children that are part of these working families look to our local governments and to our county governments to provide these kind of resources for them.

I joined a group of youngsters at a library the other day. I could not have been more excited about their excitement about being in a library funded by CDBG monies.

□ 2130

I want to applaud the gentlewoman from Florida for adding the $150 million for an empowerment zone. There is a whole long line, Mr. Chairman, of applications for the empowerment zone, and for CDBG moneys because there is more than a long line. As was quoted by a staff member, I think the good staff member of the gentlewoman from Florida (Mrs. MEEK), there is not a rural county or hamlet or village or city in America that has not received community development block grant dollars. What a tragedy to be able to tell them in this most prosperous of times that we will deny them the right kind of proper investment of their tax

dollars and that is returning it back to them to do what is best for their community.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. REYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of full funding for the 15 Round II Urban Empowerment Zones. My community of El Paso is one of those 15 designated empowerment zones. El Paso was designated based on its low per capita income, high unemployment rate, and maintaining the poorest ZIP code in the Nation. Within this context, El Paso worked hard to achieve a Round II Empowerment Zone designation. My community has sought to utilize the full benefits of the designation to quickly raise the standard of living and quality of life for all El Pasoans since receiving this designation in 1999.

Unfortunately, my community has continued to suffer because Congress has failed over the past 2 years to provide the full $10 million in annual appropriations for each of the urban empowerment zones in Round II. This year's bill continues that dismal track. The goal of the Empowerment Zone initiative is to leverage private sector resources with Federal funds to create economic and job development in areas which have lagged behind the national economy.

The first round of empowerment zones showed that with adequate funding and tax incentives, distressed communities like ours could create valuable new jobs, adequately train workers, develop affordable housing and child care, and generate business opportunities to raise the overall quality of life. Each of the first round empowerment zones received $100 million in Federal grant funding over the 10-year span of the Empowerment Zone designation along with various other tax incentives to attract and spur economic growth. This combination of resources and tax incentives was critical to addressing the needs of those historically underserved communities such as El Paso.

In contrast, the Round II empowerment zones have received only a small portion of the grant funds that they were promised and that they had anticipated. They have received annual funding below $4 million for the past 2 years, more than $14 million less than they expected. This underfunding has stymied long-term plans for development and growth. It has further undermined the tremendous leveraging capability of using public funds to draw private investment through a multiplier effect.

As our Nation enjoys one of the strongest economies in generations, it is incumbent that we provide opportunities for our distressed communities. The empowerment zone residents deserve to reach their full potential, but this can only take place if they receive full funding. Both President Clinton and Speaker HASTERT committed to $200 million in funds for the Round II empowerment zones and enterprise communities in fiscal year 2001. This bill has failed to include those dollars for empowerment zones and enterprise communities. The citizens of my community and other empowerment zones are awaiting the opportunity to share in our strong economy. With the full funding as promised for Round II, we can truly improve the quality of life of empowerment zone residents and no longer delay their opportunity to share in the American dream.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of Budget Totals for fiscal year 2001 on June 20, 2000. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under subsection 302(f) of the Act.

I ask for a ruling from the Chair.

The CHAIRMAN. The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentlewoman from Florida would, on its face, increase the level of new discretionary budget authority. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is therefore sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

Of the amount made available under this heading, $23,450,000 shall be made available for capacity building, of which $20,000,000 shall be made available for ''Capacity Building for Community Development and Affordable Housing'', for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, with not less than $4,000,000 of the funding to be used in rural areas, including tribal areas, and of which $3,450,000 shall be for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing: *Provided*, That amounts made available for congregate services and service coordinators for the elderly and disabled under this heading and in prior fiscal years may be used by grantees to reimburse themselves for costs incurred in connection with providing service coordinators previously advanced by grantees out of other funds due to delays in the granting by or receipt of funds from the Secretary, and the funds so made available to grantees for congregate services or service coordinators under this heading or in prior years shall be considered as expended by the grantees upon such reimbursement. The Secretary shall not condition the availability of funding made available under this heading or in prior years for congregate services or service coordinators upon any grantee's obligation or expenditure of any prior funding.

Of the amount made available under this heading, $10,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, that any unobligated balances of amounts set aside for neighborhood initiatives in fiscal years 1998, 1999, and 2000 may be utilized for any of the foregoing purposes.

Of the amount made available under this heading, notwithstanding any other provision of law, $45,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: *Provided*, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: *Provided further*, That of the amount provided under this paragraph, $3,750,000 shall be set aside and made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $10,000,000 shall be available for grants for the Economic Development Initiative (EDI), to finance a variety of economic development efforts.

For the cost of guaranteed loans, $28,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,217,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: *Provided further*, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $20,000,000, to remain available until expended: *Provided*, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,585,000,000 to remain available until expended: *Provided*, That up to $15,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: *Provided further*, That $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenace of information technology systems.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $1,020,000,000, to remain available until expended: *Provided*, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment progams for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to 1.5 percent of the funds appropriated under this heading is transferred to the Working Capital Fund to be used for technical assistance and management information systems.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $911,000,000, to remain available until expended: *Provided*, That $710,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under section 202(c)(2), and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects and of which amount $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: *Provided further*, That of the amount under this heading, $201,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: *Provided further*, That $1,000,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That the Secretary shall designate at least 25 percent but no more than 50 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: *Provided further*, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2000, and any collections made during fiscal year 2001, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2001, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2001, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $100,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $330,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,022,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $160,000,000, of which $96,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided*, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2001 an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $101,000,000, to remain available until expended: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: *Provided further*, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000, of which $193,134,000, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $18,321,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000, of which $33,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided*, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2001, an additional $19,800,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2002.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $40,000,000, to remain available until September 30, 2002, of which $10,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $44,000,000, to remain available until September 30, 2002, of which $22,000,000 shall be to carry out activities pursuant to such section 561: *Provided*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $80,000,000 to remain available until expended, of which $1,000,000 shall be for CLEARCorps and $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,004,380,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development block grants program'' account, $150,000 shall be provided by transfer from the ''Title VI Indian federal guarantees program'' account, and $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account: *Provided*, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act for employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: *Provided further*, That the community builder program shall be terminated in its entirety by October 1, 2000.

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 46, line 2, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH:

Page 45, line 25, strike ''*Provided*'' and all that follows through page 46, line 2, and insert the following:

*Provided further*, That the community builder fellow program shall be terminated in its entirety by September 1, 2000: *Provided further*, That, hereafter, no individual may be employed in a position of the Department of Housing and Urban Development that is designated as ''community builder'' unless such individual is appointed to such position subject to the provisions of title 5, United States Code, governing appointments in the competitive service: *Provided further*, That any individual employed in such a position shall be considered to be an employee for purposes of the subchapter III of chapter 73 of title 5, United States Code (commonly known as the Hatch Act).

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WALSH. Mr. Chairman, this is a technical and clarifying amendment regarding the termination of the Community Builder Fellow program. This amendment simply clarifies language that was included in the bill and in the fiscal year 2000 appropriation that terminates the Community Builder Fellow program. In addition to clarifying language, language is added requiring that any former community builder fellows at HUD be subject to the provisions of the Office of Personnel Management and the Hatch Act. I believe the other side has reviewed this amendment with us, and I believe they are in agreement and that they are prepared to accept the amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word. Mr. Chairman, I accept the gentleman's amendment. I appreciate the hard work that he has put into considering our concerns for the language as it was drafted in the bill. I appreciate the fact that we have reached a satisfactory compromise on this issue. I again compliment the gentleman on his good work.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WALSH).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $83,000,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for ''Drug elimination grants for low-income housing'': *Provided*, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $22,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: *Provided*, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

AMENDMENT NO. 22 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. HINCHEY:

Page 46, line 21, after the dollar amount, insert the following: ''(increased by $4,770,000)''.

Mr. HINCHEY. Mr. Chairman, this is an amendment that would add $4.77 million to the budget of the Office of Federal Housing Enterprise Oversight.

OFHEO, as it is known, is an independent regulatory agency within the Department of Housing and Urban Development. It was created by Congress in 1992 to oversee the safety and soundness of Fannie Mae and Freddie Mac, the two largest government sponsored enterprises.

Fannie Mae and Freddie Mac are private companies that were chartered by Congress to encourage homeownership by creating a secondary market for

mortgage debt. They have been very successful in this endeavor. They own or guarantee nearly half of all home mortgages and almost 80 percent of middle-class mortgages. While they are not Federal agencies, the two housing GSEs enjoy some advantages that other private financial institutions do not. Nevertheless, as a result they are able to issue debt at rates that rival the Treasury because the market presumes that their securities are backed by the U.S. Government.

Although the law specifically states that this is not the case, Fannie and Freddie are, in reality, too big to fail. They are exposed to more than $2 trillion in credit risk from the mortgages they guarantee. They are also subject to $850 million of interest rate risk from the whole loans and mortgage-backed securities they hold in their portfolios.

Both GSEs are adequately capitalized, well managed and are in excellent financial condition. Times are good and homeownership rates are at all-time record levels as a result. Fannie Mae and Freddie Mac should be commended for their role in this success. But we should not forget that we are entering a period of interest rate volatility.

The Federal Reserve has raised the prime rate five times during the past few months and it seems poised to do so again. As a result, the GSEs which are exposed to considerable interest rate risk could be vulnerable to a slowdown in the economy. I do not mean to suggest that they are in any trouble or that they would not be able to weather a downturn, but there have been times in the past when both Fannie Mae and Freddie Mac have suffered financial difficulties.

□ 2145

Indeed, this is why Congress created this regulatory body in the first place, to ensure the safe and sound operation of the GSEs in troubled times. OFHEO will soon round out its regulatory program when it implements a risk-based capital standard that has been 6 years in the making.

After completing a thorough analysis of its needs in light of the $2 trillion housing finance market it oversees, OFHEO requested $26.77 million from Congress this year. While this is a substantial increase over last year's budget, the extra funds will be used for some very necessary purposes.

They include hiring additional examiners to ensure compliance with the new capital rules; train staff to understand the complicated financial transactions and risk management techniques used by the GSEs, to upgrade technology, including the purchase of faster computers and sophisticated risk management software, and also to implement a series of organizational reforms recommended by OFHEO's outside auditors.

The Congressional Budget Office has scored this amendment as budget neutral. The funds for OFHEO's budget come from semiannual assessments on the GSEs, subject to Congressional approval. No offset is necessary to approve this increase.

Fannie Mae and Freddy Mac are not opposing this amendment. They believe that OFHEO should have the resources it needs to do its job. They know that the investment in safety and soundness pays dividends in market confidence. Investors need to know that the GSEs are adequately capitalized and soundly managed.

In summary, Mr. Chairman, I encourage my colleagues to cast a vote for safety and soundness and support this amendment

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York (Mr. HINCHEY).

Mr. Chairman, OFHEO requested an increase this year and the Committee on Appropriations gave them one. OFHEO's budget has increased from $19.5 million to $22 million, a 15 percent increase over last year's funding level. That is as great an increase as any budget within this bill.

The increase is consistent with past increases and based on OFHEO's budget justifications is fair and adequate; but OFHEO wants a 50 percent, 5–0, 50 percent increase in their budget, and they claim the increase is necessary to finalize the risk-based capital standard and to adequately monitor the safety and soundness of the GSEs. But if past performance is any indicator of future action, I suspect OFHEO will not be able to do as they assert.

My doubts are well founded, as OFHEO has never met their promises as they relate to risk-based capital standard despite a statutory requirement to do so by April of 1994. I remind you, we are in the year 2000; that is 6 years ago. So they did not keep that commitment.

Despite the GSE Safety and Soundness Act of 1992, OFHEO was 5 years late issuing the preliminary rule, 5 years late. We are asked to give them a 50 percent increase in their budget?

Their tardiness cannot be blamed on the Committee on Appropriations. Every year since 1994, OFHEO promised this committee that they would get the rule out. Every year, the committee increased funding to the requested level, and every year for 5 years OFHEO has failed to keep their promise.

This is just one of the reasons I am not persuaded that OFHEO requires a 50 percent increase in their budget request. We are aware that OFHEO has recommended that they be removed from the appropriations process. They feel their mission is compromised because they must justify their expenditures to this committee; however, until the law is changed, refueling OFHEO's budget is our concern.

Let me describe the review this committee conducts on this account. First, the fact that discretionary funds are not needed to pay for the account is none of our concern. We dig much deeper and are far more comprehensive because we take the responsibility seriously. We look at how many staff are currently on board, whether staff will increase, what the staff duties are, the costs of travel and equipment.

This review is then coupled with the performance of the agency, which has been abysmal, to see if the staff hours are having the intended results, because OFHEO's request was so out of line with past requests. Rather than dismissing it entirely, we requested OFHEO to provide us with additional documentation to justify the increases.

Mr. Chairman, I asked that OFHEO make comparisons between their responsibility to regulate the safety and soundness of the GSEs and the responsibilities of other similarly situated regulators. Mr. Chairman, they never responded to the subcommittee's request. Instead, OFHEO resorted to press releases accusing my subcommittee and me of being ''subject to the maneuverings of the entities'' that OFHEO regulates. Not only is this accusation insulting, but it borders on slander.

I certainly have not been approached by Fannie Mae or Freddy Mac about OFHEO's budget, and I am fairly certain that no one on the subcommittee was approached. In fact, those entities make it a habit of never discussing OFHEO's budget with me, with other Members or with our staff.

In my opinion, this highly inappropriate accusation was not merely foolish, but it was petulant and naive. Furthermore, this statement and the agency's inability to act in a timely way on risk-based capital rule has forced me to reconsider whether this agency has the credibility and the independence it takes to be an effective regulator.

Certainly, we have no intention of rewarding this type of behavior and refusal to comply with the subcommittee requests by getting OFHEO an increase in funds.

I urge everyone in this body to vote a resounding no on this amendment. OFHEO does not deserve the attention.

Mr. BENTSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Hinchey amendment that would restore the $4.7 million in the budget for Office of Federal Housing Enterprise Oversight, otherwise known as OFHEO. And I want to say to the chairman of the subcommittee, the gentleman from New York (Mr. Walsh), while I understand his frustration with how this matter has been debated, I think that this cut in OFHEO could not come at a worst time.

Let me say, as the chairman of the subcommittee, the gentleman from

New York (Mr. WALSH), mentioned, that OFHEO is the only Federal financial regulatory agency which is subject to the appropriations process, and there is no doubt that that ought to be changed; and I would hope that the Committee on Banking and Financial Services, which I am a member of, would take that up along with the Committee on Appropriations and treat OFHEO like the Comptroller of the Currency and the FDIC and the Office of Thrift Supervision. But obviously that is not going to happen before this bill is enacted.

The problem with not providing OFHEO with the proper resources compounds an existing problem that the Committee on Banking and Financial Services is already looking at. As the gentleman from New York might know, the Subcommittee on Capital Market, Securities and Government Sponsored Enterprises of the Committee on Banking and Financial Services is in the process of considering legislation as to whether or not the GSEs, Freddy Mac, Fannie Mae, as well as the Federal Home Loan Bank, which are not under OFHEO, are sufficiently capitalized. And we have been going through a number of hearings on this, and the linchpin in all of this is going to come down to the final regulations issued by OFHEO as it relates to the capital oversight of the GSEs.

Mr. Chairman, this reduction in the amount of resources that they need to carry out their job, quite frankly, could not happen at a worse time.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I just wanted to clarify, this is not a reduction. This is an increase of 15 percent in their budget.

Mr. BENTSEN. Reclaiming my time, Mr. Chairman, I appreciate the gentleman's comments, but I would also add that their activities have increased as they are in the final stages. As the chairman knows, they are in the final stages of preparing the regulation that will set capital standard for Freddie Mac and Fannie Mae.

They are in the process of reviewing the comments on the initial regulations that were published in the Federal Register, so their workload clearly has gone up. And I think the chairman would concur that the responsibility as laid out in the 1992 act is quite important.

To go back to my original point, we are in the midst of a debate in the authorizing committee as to whether or not the GSEs are properly capitalized, whether or not their structure ought to be changed. And we are relying greatly on what OFHEO is going to come up with, so I think it would be a mistake at this time not to provide them with the proper resources.

I would hope that the gentleman would accept the Hinchey amendment. Let me say I know the gentleman quite well; we have traveled together. I have nothing but the greatest respect for him. I think that if OFHEO, and I have no reason to question what he said, if OFHEO did what he said, they were wrong to do that.

I would hope that the chairman would not allow some bad judgment on the part of the agency in trying to get in the way of the resources that they need to carry out their duty that we on the authorizing committee have asked them to do and the Congress has asked them to do.

Mr. Chairman, I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I consider the gentleman from Texas (Mr. BENTSEN) a good friend and someone I admire in this body, and I want to assure the gentleman that there is absolutely nothing personal. We are talking about performance.

This is an agency that has failed its mission for 6 consecutive years, and for us to give them a 15 percent increase I think is pretty generous, but not a 50 percent increase.

Mr. BENTSEN. Reclaiming my time, Mr. Chairman, I would just hope that the gentleman would see to accepting the Hinchey amendment. We need this information if we are going to carry out our oversight functions with respect to the GSEs. The House is in a great deal of debate about this, and it would be, I think, counterproductive to undercut the one regulatory agency over the GSEs at this point in time, and so I would hope the House would adopt this amendment.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in favor of my colleague, the gentleman from New York (Mr. HINCHEY), for his thoughtful amendment. He is a former member of the Committee on Banking and Financial Services, and he has worked with OFHEO for over 7 years here in this body.

I want to offer my support for providing the Office of Federal Housing Enterprise Oversight, OFHEO, with the full resources it needs to comprehensively regulate Fannie Mae and Freddy Mac and to regulate their safety and soundness. As my colleagues are aware, OFHEO funding comes from assessments on Fannie Mae and Freddy Mac, not from the taxpayers. However, approval for OFHEO assessments is tied to the appropriations bills.

The GSEs play a critical role in our Nation's housing finance system, increasing the availability of home mortgage funds and increasing homeownership.

In recent months, the gentleman from Louisiana (Mr. BAKER) of the Committee on Banking and Financial Services, the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises has led a series of hearings and oversight on the housing GSEs.

During the course of our hearings, the subcommittee has come to two conclusions that I think are overwhelmingly supported by both sides of the aisle. First, with an almost 70 percent homeownership rate, our Nation's housing finance system is the most successful in the world. Secondly, the housing GSE regulators should have the resources that they need to do the job to oversee safety and soundness.

The Hinchey amendment makes an increase of $4.8 million to $26.8 in the amount of funding that OFHEO can assess the GSEs. Regulations of GSEs require highly technical analysis and this increase will give the agency the ability to hire and retain the high-level staff required to do its job.

I know that no matter how my colleagues feel about GSEs, we all want to ensure that the enterprises are adequately supervised. So I really urge the support of the Hinchey amendment and appeal to my good colleague on the other side of the aisle, the gentleman from the great City and State of New York (Mr. WALSH), to accept this amendment.

Again, it does not in any way come out of resources of the taxpayers. It is an assessment on the GSEs to pay for their own oversight for safety and soundness.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment to increase funds for the Office of Federal Housing Enterprise Oversight. OFHEO has an important job, we admit, doing regulatory oversight to ensure the safety and soundness of the two largest government-sponsored enterprises: Fannie Mae and Freddy Mac. Just because the funds for OFHEO come from assessments on Fannie and Freddie does not mean that the Committee on Appropriations will roll over and give them anything they want.

The subcommittee requested an adequate justification to support the whopping 50 percent increase in funds they requested and the 40 percent increase in personnel as requested by the President. OFHEO never responded to our requests for their budgets' justification.

□ 2200

Yet the committee ended up providing the still generous 15 percent in increased funds contained in this bill. Fifteen percent is a respectable amount, given that so many of our accounts had to be level funded due to the tight budget allocation. Further, there is only so much of an increase an agency can absorb effectively in one year. The Committee on Appropriations reported dollar figure is based on

merit and not on any of the outside forces that some have alluded to.

I urge rejection of the amendment and support of the bill.

Mr. KANJORSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the ranking Democrat on the subcommittee over the jurisdiction of the Office of Federal Housing Enterprise Oversight, or OFHEO, I rise to speak in favor of the Hinchey amendment. This amendment would increase the amount of funding provided in the bill from $22 million to approximately $26.8 million, the full amount requested by OFHEO for the year 2001.

Mr. Chairman, at this point, may I point out this has nothing to do with budget restrictions. All of this money will be paid by Fannie Mae and Freddie Mac, and they are in favor of the expenditure. OFHEO is the safety and soundness regulator of Fannie Mae and Freddie Mac. As such, Congress has charged the agency to reduce the risk of failure of the two companies in order to ensure that they are able to continue their important mission in our Nation's extremely successful housing and mortgage finance sectors. Although this organization receives its fundings from the companies it regulates and receives no taxpayer dollars, unlike other financial regulators, it is subject to the annual appropriations process.

It is crucial that OFHEO have sufficient capacity to fulfill its safety and soundness oversight responsibilities. Fannie Mae and Freddie Mac continue to grow and their operations increasingly are complex. According to this regulatory agency, the two enterprises are currently exposed to more than $2 trillion in credit risk on mortgages. That figure has doubled since 1993. Moreover, this agency is in the process of finalizing its risk-based capital standings. When promulgated later this year, OFHEO will need the resources to enforce them properly.

We need to have a strong independent regulator for the housing government sponsored enterprises. We must also ensure that the regulators have the resources they need to get the job done. As someone who participated in the Congressional debate to resolve the savings & loan crisis, I am acutely aware of the need to protect taxpayers from risk. It is in the public's interest that we maintain a strong regulatory regime over Fannie Mae and Freddie Mac. This money will help this agency to achieve this objective.

Mr. Chairman, I have a great respect for the chairman of this subcommittee of the Committee on Appropriations and the ranking member. I know that although, for whatever reason, they have only limited the increase to 15 percent, that when they analyze the $2 trillion potential risk to the United States taxpayers, when they realize that it costs the budget allocation nothing because it is budget neutral, and because Fannie Mae and Freddie Mac are in support of their own regulator having more financial reserves to handle the safety and soundness of these two organizations, it would be unreasonable for this Congress not to grant them this requested fund.

So I urge my colleagues on the committee, both the chairman and the ranking member, to realize that to deny a request for approximately $4 million more by the regulators to regulate themselves, to save the exposure of the American taxpayers to $2 trillion of potential risk, and to provide for safety and soundness, would really be an unreasonable decision.

I urge my colleagues, both the chairman and the ranking member, to agree with the Hinchey amendment, that it is reasonable, it is proper, it does not cost the taxpayers a cent, and that it provides for safety and soundness for the American people and for this government. I urge my colleagues on both sides of the aisle to support the Hinchey amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been listening to my colleagues on the other side of the aisle, and I agree with much of what they are saying. I too am a member of the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises of the Committee on Banking and Financial Services. I too am very concerned about the taxpayer exposure that the GSEs provide. I am concerned about the over extension of capital risk. But I believe we are getting the cart in front of the horse on this amendment.

What OFHEO has had is a plus-up of about 15 percent over the last 4 years. OFHEO has met its budget requests over the last 4 years. The issue that we are dealing with in discussing our GSEs, the issue we are dealing with in evaluating contingency taxpayer risk, and the issue that we are dealing with on the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises is changing the structure of the regulator. So if we are to try to pump a 50 percent increase into this current regulator, into OFHEO, it is putting the cart in front of the horse.

What we need to do is pass good authorizing legislation that provides for a strong regulator to catch up with the fact that the GSEs are growing extremely strongly. I believe the gentlewoman from New York (Mrs. MALONEY), the gentleman from Texas (Mr. BENTSEN) and the gentleman from Pennsylvania (Mr. KANJORSKI) are really hitting the nail on the head. They are correct in saying that we have to have a strong regulator over the GSEs. All I am saying, Mr. Chairman, is that we ought to do so after we have proper authorizing legislation. We ought to do so after we have authorized through the Committee on Banking and Financial Services a proper regulator to do its true job of ensuring taxpayer safety and soundness with respect to these GSEs.

So to give a 50 percent increase to this overseer, to OFHEO, before enacting proper oversight legislation, authorizing legislation, would be a mistake. That is why I think a 15 percent increase is more than enough. Let us pass good authorizing legislation. I urge Members to reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, reverse Robin Hood; robbing from the poor and working people to give tax breaks to the rich. Mr. Chairman, once again the Republican leadership is attempting to cut housing programs that assist our Nation's poorest at the time our country is going through the greatest economic expansion in our national history. It seems to me that we should be doing everything we can to help our citizens move from homelessness to home ownership, and public housing is critical in that transition.

The funding cuts proposed for our Nation's most needy community is simply a disgrace. Among the critical programs that will suffer budget cuts are public housing, drug elimination grants, and CDBG programs. In addition, Brownfields redevelopment, an area of particular concern to me since there is a Superfund site in my area, is being cut by 20 percent of the current level.

Additional cuts made to the Community Development Block Grant Program are an embarrassment. This program is extremely important, one that assists communities to create economic opportunity for residents of poor neighborhoods. It is one of the most flexible of all Federal grant programs and allows States to work with partnerships, with local housing authorities, to develop community and economic development projects. These block grants can be used to rehab housing, provide job training, finance community projects and assist local entrepreneurs to start a new business or shelter the homeless or abused spouses.

Every time I hold a town hall meeting in my district, the issue of housing always comes up. Public housing, elderly housing, those participants cannot be ignored.

I feel it is my responsibility as an elected official to stand up for my constituents and defend their needs. I believe it is the job of Congress to represent those who have little resources, and particularly no voice, not those who can afford the best attorneys and find loopholes in the Tax Code to circumvent their taxes.

This budget is drawn up to benefit the wealthy. Just last week the majority party passed a bill giving estate tax breaks to the wealthiest families with large assets. While the majority party is giving tax cuts to wealthy Americans, even in good economic times the poor continue to suffer, mainly because of unjust funding priorities, such as the one proposed in this bill.

While the President's budget, and I want to commend him, would increase vital infrastructure investments in families and communities, the Republican version of this bill, if passed, would have a devastating impact on these same communities nationwide. In my district, Florida's third, the effects of these cuts will prove disastrous and could reach the millions of dollars.

These families will be devastated, those that rely on public housing. The number of families with worst case housing needs, defined as paying more than 50 percent of income on rental, remains at an all time high. Furthermore, families in the traditional welfare-to-work have special needs for assistance, as housing is typically the greatest financial burden. Yet this bill strips all funds from welfare to work. Let me repeat that: This bill strips all funds from welfare-to-work.

The slight increase in the VA-HUD bill provided for Section 8 funding does not go far enough, since virtually all of the housing programs designed to help the neediest are being cut.

In closing, Mr. Chairman, I like the scripture, ''To whom God has given much, much is expected.'' The people are expecting us to do our job and represent all of the people, not just the wealthy; the elderly, the old people, the people in need, and I am hoping that there will be some leadership from the other side on what is right for the people.

Mr. WALSH. Mr. Chairman, as we know of no remaining amendments to title II, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the bill from page 47, line 6, through page 52, line 6, is as follows:

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2001 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. (a) ELIGIBILITY.—Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2001 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2001 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2001 do not have the number of cases of acquired immunodeficiency syndrome required under such clause.

(b) AMOUNT.—The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 845(c)(1)(A) in fiscal year 2001, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) ENVIRONMENTAL REVIEW.—Section 856 of the Act is amended by adding the following new subsection at the end:

''(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.''.

ENHANCED DISPOSITION AUTHORITY

SEC. 204. Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, is amended by striking ''and 2000'' and inserting ''2000, and thereafter''.

MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS

SEC. 205. Section 8(t)(1)(B) of the United States Housing Act of 1937 is amended by inserting ''and any other reasonable limit prescribed by the Secretary'' immediately before the semicolon.

VOUCHERS FOR DIFFICULT UTILIZATION AREAS

SEC. 206. Section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) is amended—

(1) in subparagraph (B), by striking ''subparagraph (D)'' and inserting ''subparagraphs (D) and (E)'';

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

''(E) DIFFICULT UTILIZATION AREAS.—

''(i) CRITERIA.—The Secretary shall establish criteria setting forth requirements for treatment of areas as difficult utilization areas with respect to the voucher program under this subsection, which may include criteria specifying a low vacancy rate for rental housing, a particular rate of inflation in rental housing costs, failure to lease units by more than 30 percent of families issued vouchers having an applicable payment standard of 110 percent of the fair market rental or higher, and any other criteria the Secretary considers appropriate.

''(ii) USE OF ASSISTANCE.—Any public housing agency that serves a difficult utilization area may—

''(I) increase the payment standard applicable to all or part of such area for any size of dwelling unit to not more than 150 percent of the fair market rental established under subsection (c) for the same size of dwelling unit in the same market area; and

''(II) use amounts provided for assistance under this section to make payments or provide services to assist families issued vouchers under this subsection to lease suitable housing, except that the cost of any such payments or services for a family may not exceed the agency's average cost per family of 6 months of monthly assistance payments.''.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $28,000,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5

U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $8,000,000, $5,000,000 of which to remain available until September 30, 2001 and $3,000,000 of which to remain available until September 30, 2002: *Provided*, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $105,000,000, to remain available until September 30, 2002, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American Communities, and up to $9,500,000 may be used for administrative expenses, up to $23,000,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $53,000,000: *Provided further*, That administrative costs of the Technical Assistance Program under section 108, the Training Program under section 109, and the costs of the Native American Lending Study under section 117 shall not be considered to be administrative expenses of the Fund.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $51,000,000.

Mr. MOLLOHAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill to page 54, line 20 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

Of the funds appropriated under this heading in Public Law 106–74, the Corporation for National and Community Service shall use such amounts of such funds as may be necessary to carry out the orderly termination of the programs, activities, and initiatives under the National Community Service Act of 1990 (Public Law 103–82) and the Corporation: *Provided*, That such sums shall be utilized to resolve all responsibilities and obligations in connection with said Corporation.

AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARR of California:

Restore funding for Corporation for National and Community Service.

Strike lines 23 on page 54 through line 6 on page 55 and insert the following:

For necessary expenses for the Corporation for National and Community service in carrying out programs, activities and initiatives under the National and Community Service Act of 1990, $533,700,000.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order.

The gentleman from California (Mr. FARR) is recognized for 5 minutes.

□ 2215

Mr. FARR of California. Mr. Chairman, it has been a long day and night. I want to say how much I appreciate the good leadership of the chairman in conducting tonight's business.

I rise on a very sad note. It was a note that was just read by the Clerk, that the majority of that party in this House wants to strike all of the funding for the Corporation for National Service.

We have funded, fully funded, an all voluntary military. We have partially funded, and I applaud that, funding for the Peace Corps. But when it gets to supporting our own, ensuring our own domestic tranquility and taking a program that is one of America's most successful, the American Corporation for National Service, or AmeriCorps, we cut the funding to zero.

The time I think has come for Congress to realize the lasting contribution that volunteerism has given to America by fully funding the national service programs. This includes AmeriCorps, the National Senior Service Corps, the Service Learning Programs.

I know the chairman of the subcommittee, the gentleman from New York (Mr. WALSH), cares about this because he served in the Peace Corps at the same time I did, and we know the value of service. That is, as the American Heritage Dictionary reads, to give or to offer to give on one's own initiative.

What we are striking and hopefully refunding tonight is these public-private partnerships that are transforming our communities and successfully challenging our young people to make something of themselves.

As communities and as a Nation, we are stronger and healthier because of these volunteers. They tackle problems like illiteracy in America, crime in America, poverty in America, while instilling a commitment to public service for Americans of all ages in every community throughout this Nation.

Our society works precisely because lots of folks out there are helping other folks in many different ways. In fact, we have a social contract to help each other. In this country, we have young people in need of basic reading and writing skills. We have teenagers in need of mentors and role models. We have homebound seniors in need of food and a little companionship. We have families in need of homes. We have communities in need of disaster assistance.

Solutions to these problems can best be found when individuals, families, and communities come together in service to their neighbors and to their fellow citizens.

We can make a difference, but volunteers are critical to finding these solutions and touching these lives. That is where the Corporation for National Service comes in. AmeriCorps members and service volunteers fill these needs by providing essential people power at the local level.

In my own State of California, we have more than 145,000 people of all ages and backgrounds working in 289 national service projects. Nationwide, we have more than 62,000 Americans serving in AmeriCorps from 1998 to 1999, bringing the total number of current and former members to more than 100,000 Americans who have served in Americorps.

They have taught, tutored, and mentored more than 2.6 million children, served 564,000 at-risk youth in after-school programs, operated 40,500 safety patrols, rehabilitated 25,180 homes, aided more than 2.4 million homeless individuals, and immunized about 500,000 people. They have accomplished this all while generating $1.66 in benefits for each dollar that is spent.

Most people do not know how AmeriCorps operates and assume that some top-down Washington bureaucracy runs the program and deploys members around the country. The opposite is exactly true. AmeriCorps is one of the most successful experiments in State and local control the government has ever supported.

In fact, the bulk of AmeriCorps funding is in the hands of our Nation's Governors, who make grants to local nonprofits in our communities. The nonprofits then select the participants and run the programs.

This is very important because studies have found that people are more likely to volunteer if they know someone who volunteers regularly or who was involved as a youth in organizations using volunteers. AmeriCorps members generate an average of 12 additional volunteers around the Nation.

Not only are they helping our communities, they are setting examples for others to follow.

It is critical to recognize that under the leadership of former Senator Harris Wofford, AmeriCorps has embraced its critics and reinvented itself as a leaner, more decentralized, and nonpartisan operation. AmeriCorps has devolved more and more of its authority to States and local nonprofits in recent years, including a major commitment to faith-based institutions.

The CHAIRMAN. The time of the gentleman from California (Mr. FARR) has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. FARR of California was allowed to proceed for 3 additional minutes.)

Mr. FARR of California. Mr. Chairman, about 15 percent of AmeriCorps members serve in faith-based institutions, and the number is growing.

Mr. Chairman, it is time that we reclaim the bipartisan tradition and support national service that has long been the hallmark of American politics. Members of Congress now have an opportunity to separate policy from politics, to reach a bipartisan consensus on the value of AmeriCorps.

I might add in closing, Mr. Speaker, this is an election year, and we have 62,000 AmeriCorps volunteers in the field. Each of those has two parents, 120,000 voters, and each has four grandparents; 240,000 people out there who have sons and daughters and relatives that are in the Peace Corps, including staff that are in this room right now whose daughters are serving in AmeriCorps.

We have to get this re-funded. It is absurd that the Republican party has decided to zero out this in our budget.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to thank the gentleman very much for his comments on AmeriCorps and for the case that he has made.

It is essentially unbelievable, for those of us who know the role AmeriCorps plays in so many of our communities, as the gentleman points out, whether it is mentoring our children or helping our communities with substance abuse problems or working with communities to organize themselves and to make positive contributions.

Recently in Vallejo, California, I had a chance to work with our community organization that is funded by the Robert Wood Johnson Foundation called Fighting Back. AmeriCorps volunteers came in to help the community organize neighborhood cleanups and substance abuse programs.

We have worked in a number of different programs around Vallejo. In each case, after we had finished spending the weekend in those communities cleaning up, getting rid of the junk, getting rid of the old cars, getting the shrubbery cut back and all the rest of it, the contacts and the calls to the police department plummeted in those communities.

Where there used to be drug dealing on the street, where there used to be abuse in the families, contacts with criminal activity in the neighborhood, they went down by 30 and 40 percent in those neighborhoods because of the work of the AmeriCorps volunteers to go in, to organize community watch programs, neighborhood watch programs, programs for schoolchildren, programs on substance abuse. There were dramatic changes in these neighborhoods basically run by volunteers with the coordination AmeriCorps brings to those.

Talk about cost-effective, in terms of just the savings to emergency responses, in that one city we are talking about hundreds of thousands of dollars that has been saved in that effort because of AmeriCorps volunteers.

To zero out their funding is just to simply turn our backs on these communities, and to turn our backs on young Americans, for the most part, but older Americans, too, who are doing what we say is the best of what we want in our citizens, and that is to volunteer. These are people who come in and coordinate and get those kinds of community involvement that we all aspire to in our own communities.

So I thank the gentleman very much for raising this issue and discussing this.

The CHAIRMAN. The time of the gentleman from California (Mr. FARR) has again expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. FARR of California was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from California.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman too for his statement here tonight. I want to say, I find much the same in the State of Washington in the Tacoma-Bremerton area, that the AmeriCorps volunteers are doing an outstanding job working with young people in after-school programs, working with people, juvenile offenders.

It is a program that I think has tremendous credibility. I think Harris Wofford has done a great job of it. I am just shocked that again, for partisan reasons, I guess, because people do not like the President, we are cutting out a program that has tremendous merit.

Mr. FARR of California. Mr. Chairman, they have totally zeroed out this program. I ask the gentleman from California (Mr. WALSH) as chairman of this committee, when he goes into conference to fight as hard to get this reestablished as he did to get the Peace Corps funded, as I did to get the Peace Corps funded.

We cannot just have a foreign Peace Corps and not have a domestic Peace Corps. This is absolutely essential to America to give youth a chance. To give America a chance to invest in an ounce of prevention, which is all these Members of Congress have said, is certainly worth a pound of cure.

Mr. DICKS. If the gentleman will continue to yield, Mr. Chairman, for many years I have supported the Youth Conservation Corps, which has been a tremendous organization. Our national parks, our national forests, the Fish and Wildlife Service, these young people are out there doing tremendously credible things in our public lands.

Again, this is a program that we had to fight to save during the Reagan and Bush administrations. For some reason, these programs get targeted when we need to be doing these things. We need to be cleaning up these areas.

The Campaign to Keep America Beautiful has kind of fallen on deaf ears here in this new generation. We need to explain to people again how important that is, and here are our young people out there doing this good work.

I am stunned that we are again trying to take the funding out for this program. I think it is one of the President's finest accomplishments.

Mr. GEORGE MILLER of California. If the gentleman will continue to yield, earlier this evening some were fortunate enough to go over to the Library of Congress and listen to a young teacher, the California teacher of the year.

The CHAIRMAN. The time of the gentleman from California (Mr. FARR) has again expired.

(On request of Mr. GEORGE MILLER of California, and by unanimous consent, Mr. FARR of California was allowed to proceed for 2 additional minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, she was head of the New York corporation, the Americorps Corporation. I believe the gentleman was from Buffalo. They had been taking about what they had been able to do in terms of AmeriCorps volunteers in the classrooms to help with these difficult schools, to help with students and to reclaim these students' lives because of the attention these AmeriCorps volunteers were able to provide, two young students who were turning their lives around.

She wrote a rather remarkable book about the Freedom Riders and what happened in Long Beach, and she is

now out replicating that in schools of education and with AmeriCorps volunteers all across the country.

Yet, we are saddled this evening with seeing that is zeroed out, and obviously it is a national program zeroed out in this budget, zeroed out in California, in New York, in the State of Washington. It is a tragedy that we would not capitalize on the resources that these young people in the Americorps Corporation bring to civic life in America. I thank the gentleman again for raising this issue.

Mr. DICKS. I appreciate the gentleman's leadership.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand the constraints under which the gentleman from New York (Chairman WALSH) is working, and commend him for doing a very admirable job under difficult circumstances. However, I am deeply concerned about a number of programs reduced or eliminated in this bill.

Of greatest concern to me, this legislation would terminate most programs under the Corporation for National Service, including AmeriCorps. As a fiscal conservative, I believe national service is one of the wisest and least costly investments our government can make. Every $1 spent on AmeriCorps generates $1.66 in benefits to the community. Every full-time AmeriCorps members generates an average of 12 additional volunteers.

AmeriCorps is one of the most successful experiments in State and local controls the Federal government has embarked upon: Two-thirds of AmeriCorps' funding goes directly to the Governor-appointed State commissions, which then make grants to local nonprofits.

Since 1994, more than 150,000 Americans have served as AmeriCorps members in all 50 States. They have taught, tutored, or mentored more than 2.5 million students, recruited, supervised, or trained more than 1.6 million volunteers, built or rehabilitated more than 25,000 homes, provided living assistance to more than 208,000 senior citizens, and planted more than more than 52 million trees.

AmeriCorps Members are not only helping meet the immediate needs in our communities, they are also teaching through their example the importance of serving and helping others.

As a former Peace Corps volunteer, I know the significance of this long-lasting lesson. Our youth want so desperately to take hold of their destiny and work to ensure a brighter and more prosperous future. There is so much they can do. All they need is the opportunity.

Secondly, I am troubled by proposed cuts in the community development block grant program, CDBG, which would be funded at $4.5 billion, a level $300 million below fiscal year 2000, despite a 417 to 8 vote by this House on H.R. 1776 to increase this program's authorization to $4.9 billion.

□ 2230

CDBG is the largest source of Federal community development assistance to State and local governments. It is one of the most flexible, most successful programs the Federal Government administers. The CDBG program puts development funds where they can most effectively be allocated: in local communities. Communities may use CDBG money for a variety of community development activities, including housing, community development, economic development and public service activities.

The bottom line for me, Mr. Chairman, in closing, is I believe strongly in AmeriCorps. I regret it is not in the bill. I understand why it was not placed in the bill, because some Members on either side of the aisle will decide to fund veterans programs or some other program and offset it with the National Service Programs, and Republicans and Democrats alike will vote for a veterans program over this.

But this program, like veterans programs, has its place. And I hope and I expect when we vote out this bill and the conference committee meets, that we will see the CDBG money restored and AmeriCorps and the National Service Program restored. If it is not, I would vote against the conference report. But I do intend to vote out this bill, hopefully this evening or tomorrow.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the AmeriCorps program.

I rise in strong support of the countless volunteers that are working on teaching projects, projects for the homeless, projects for the environment across the country, and I rise in strong support of a program that is working extremely well.

Mr. Chairman, as we look for ways to solve some of the problems in America, many of us so-called new Democrats have looked for ways to delegate responsibility at the State or the local level, but to give them some of the resources at the local level, whether it be in education, whether it be working with existing infrastructure or with people at the local level to try to solve some of these vexing and difficult problems.

We have come up with a very, very innovative and now successful program called AmeriCorps that gives money at the Federal level not to a 10-story building in Washington, D.C. but to local communities and volunteers in places like South Bend, Indiana, and Elkhart, Indiana, and Mishawaka, Indiana that are working with the homeless on a day-to-day basis to try to teach the homeless every-day skills; balancing their checkbooks, taking care of their children, working to solve some of the personal and faith-based problems that they experience as individuals. This is taking place in South Bend, Indiana at the Center for the Homeless, and it is also in conjunction with AmeriCorps that is funded at the Federal level.

This program should not be zeroed out by this budget because we are doing exactly what the American people want us to do: Solve problems with local people at the local level. Not with big bureaucracy, not with 10 story buildings in Washington, D.C., not with committees in Congress, but with local people with strong hands and big hearts.

We also have a program, Mr. Chairman, at the University of Notre Dame called the Alliance for Catholic Education. And there we are working with both Catholic schools and the public school system in South Bend to recruit teachers, something every community in America is having problems with, and getting these teachers through the University of Notre Dame with advanced degrees in teaching; having them teach in the summer school in South Bend, Indiana to students that are having problems learning, that might fall behind; helping them with remediation and tutoring skills. And then these teachers go on to 12 States across the south to teach in schools in very poor areas where they cannot recruit teachers to teach math and science and technology. Some of those are Catholic schools.

What a fantastic partnership between the Federal Government, local public schools and parochial schools in poor inner-city areas. That is AmeriCorps. That is working in South Bend and branching out to 12 States. We should not cut it. We should support it. And I would encourage my colleagues in Congress in a bipartisan way to fight hard to restore these funds in conference for a very successful program at the local level.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WALSH. Mr. Chairman, I do insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 20, 2000, House Report 106–683. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is

not permitted under section 302(f) of the Act.

I ask for a ruling of the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority. The amendment offered by the gentleman from California would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act. The point of order is, therefore, sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000.

COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims, as authorized by 38 U.S.C. 7251–7298, $12,500,000, of which $895,000, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to explain to the House that we have reached an agreement, both sides, on the continued debate of this bill, and I would just like to make sure everyone is aware that there will be no further votes this evening. We will take up the VA-HUD bill tomorrow after the conclusion of the debate on the WTO.

We have agreement on all amendments, all points of order are protected, we have time for all the amendments, and we will be coming in at 9 a.m. to work on WTO. Once that is concluded, we will work on the VA-HUD. The gentleman from West Virginia (Mr. MOLLOHAN) and I have agreed to try to conclude debate on the VA-HUD bill by 9:00 p.m. tomorrow evening.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, the chairman of the subcommittee, the gentleman from New York (Mr. WALSH), has stated the agreement as we understand it. All amendments that are going to be in order tomorrow are contained in the unanimous consent agreement and associated with each amendment is a time certain for debate. We will have no objection to the unanimous consent request.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $17,949,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, $60,000,000, to remain available until September 30, 2002.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended, and section 3019 of the Solid Waste Disposal Act, as amended, $70,000,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507), to remain available until September 30, 2002: *Provided,* That not withstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further,* That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further,* That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during the fiscal years 2001 and 2002, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $650,000,000, which shall remain available until September 30, 2002.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong opposition to the VA–HUD appropriations bill and its inadequate funding levels for our nation's housing need.

The bill currently provides $2.5 billion less than the President's request and would underfund almost every program within the Department of Housing and Urban Development (HUD).

This inadequate funding would severely impact our nation's communities and roll back much of the progress we have made towards making affordable housing and economic development opportunities available to all Americans.

As the nation enjoys its longest sustained economic boom, now is the time to meet our critical housing needs and fully fund our housing services and programs—not neglect them.

I have deep concerns about this bill because, among other things, it:

Fails to fund the administration's request for 120,000 rental assistance vouchers. This includes 10,000 vouchers to construct the first affordable housing units for families since 1996.

It cuts the President's proposed funding levels for the Community Development Block Grant (CDBG) program by almost $400 million, and it fails to provide funding for America's Private Investment Companies (APIC) which stimulate private investment in distressed communities.

These are just a few examples of how the VA–HUD bill in front of us today short changes the millions of lower income Americans who critically need the assistance provided by the Department of Housing and Urban Development.

We can and must do better. I ask my colleagues to join me in opposing this inadequate bill.

Mr. BARR of Georgia. Mr. Chairman, I rise today with regard to the establishment of an outpatient clinic in the Seventh Congressional District of Georgia. There are more than 670,000 veterans in Georgia, and a significant number live in the Seventh Congressional District 55,000 veterans live in Cobb County alone. Some 4,000 of these veterans utilize the veterans health care system. The nearest clinic is on the east side of Atlanta, which means the veterans who reside in the western part of my congressional district must travel up to 70 miles each way, to get VA medical attention. This is an extremely long distance to travel for any type of medical care. It is even more of a hardship for the elderly, sick or those who cannot drive themselves.

On September 9, 1999, the House of Representatives considered the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriation bill for Fiscal Year 2000, H.R. 2684. During that debate, Chairman WALSH and I had a colloquy, in which he pledged his support to assist me in establishing an outpatient clinic in the congressional district. I want to take this opportunity to thank the Chairman for all his assistance with regard to the establishment of this outpatient clinic.

On September 27, 1999, Chairman WALSH wrote me a letter stating that, ''the establishment of an outpatient clinic is the decision of the local VISN Director based on resources and need. We will make inquiries to the VA and the Director of VISN regarding the situation in your district.'' In addition, to follow-up on that pledge the Subcommittee conference report to H.R. 2684 included the following provision: ''the conferees direct the VA to submit a report on access to medical care and community-based outpatient clinics in Georgia 7th Congressional District 30 days after the enactment of this bill.'' President Bill Clinton signed this legislation on October 20, 1999.

On January 14, 2000, I met with R.A. Perreault, Director of the Department of Veterans Affairs Medical Center in Georgia, who pledged his support to establish an Outpatient Clinic in the Seventh Congressional District in Fiscal Year 2000. In addition, on January 27, 2000, the Departments of Veterans Affairs, Housing and Urban Development and Independent Agencies Subcommittees sent to my congressional office a document entitled ''Access to Care in Georgia 7th Congressional District'' from the Department of Veterans Affairs. This evaluation stated:

[W]ithin the past year, there has been significant amount of interest from Congressman Barr on the implementation of a Community Based Outpatient Clinic in the 7th Congressional District of Georgia . . . the VISN 7 Primary Care Service Line recently completed an evaluation of potential sites for future CBOCs using specific criteria . . . a proposed CBOC in Cobb County has been identified as a high priority and is noted in the Strategic Plan.

As you are aware, the VA has a goal of improving access to care and timeliness of service. The VISN 7 has set aside funds to be used to activate additional CBOCs in fiscal years 2000 and 2001. The proposed Cobb County CBOC is planned for a fiscal year 2000 activation. The VA notes in its report, future decisions regarding the implementation of new initiatives will continue to be based in part on the budget forecast. The report states, ''the opening of additional CBOCs remains subject to the availability of funds and other significant factors.''

The Atlanta office of the Department of Veterans Affairs has already approved the facility and I am pleased to announce to Chairman WALSH, and the Members of the House of Representatives, that in the next several weeks an outpatient clinic will open in the Seventh Congressional District in Georgia.

Given the large number of veterans in the western and northern parts of the 7th District, I pledge to continue working with the Chairman, and with the Department, to build additional outpatient clinics in the 7th District; including near the I–20 corridor to the west of Atlanta, and northwest of Atlanta along the I–75 corridor.

These clinics are a win-win; they save money, and they are a tremendous benefit to our veterans.

Mr. WALSH. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOSSELLA) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

## LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4635, DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Mr. WALSH. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4635 in the Committee of the Whole, pursuant to House Resolution 525, no further amendment to the bill shall be in order except:

(1) Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

(2) The following additional amendments, which shall be debatable for 10 minutes:

Ms. KAPTUR regarding VA Mental Illness Research;

Mr. PASCRELL regarding VA Right to Know Act;

Mr. SAXTON regarding EPA Estuary Funding;

Mr. ROEMER regarding Space Station; and

The amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII and numbered 7, 8, 13, 14, 15, 17, 33, 41 and 43;

(3) The following additional amendments, which shall be debatable for 20 minutes:

Mr. EDWARDS regarding VA Health and Research; and

The amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII and numbered 23, 34, and 35; and

(4) The following additional amendments, which shall be debatable for 30 minutes:

Mr. OBEY regarding National Science Foundation;

Mr. COLLINS regarding Clean Air;

Mr. BOYD regarding FEMA;

Mr. OLVER regarding the Kyoto Protocol; and

The amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII and numbered 3, 4, 24, 25, and 39.

Each additional amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, and shall be considered as read. Each additional amendment shall be debatable for the time specified equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Mr. Speaker, this bipartisan agreement was joined with the proviso that we complete our work on the bill by 9:00 p.m. tomorrow evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## HOUR OF MEETING ON WEDNESDAY, JUNE 20, 2000

Mr. WALSH. Mr. Chairman, I ask unanimous consent that when the House adjourns today it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 2345

## CONGRATULATING THE LOS ANGELES LAKERS ON THEIR VICTORY

(Ms. MILLENDER-MCDONALD asked and was given permission to address the House for 1 minute.)

Ms. MILLENDER-MCDONALD. Mr. Speaker, tonight I rise to congratulate the Los Angeles Lakers for a job well done last night.

As we can see on the sports page of the L.A. Times, it says ''Great Lakers.'' I agree. I am one of the Members who represent Los Angeles, and we were all proud when they brought home the victory last night.

Mr. Speaker, before this playoff season started, my dear friend, the gentleman from Indiana (Mr. BURTON), got on the floor and said that the Indiana Pacers would win, that the L.A. Lakers would not get the championship.

I only want to say to him that I told him that night that I would give him a tissue, but instead I am going to give him this ball. Hopefully, the Pacers will bounce back next year. That is, if they are not playing the Lakers.

Go Lakers.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## DRUG ABUSE AND ILLEGAL NARCOTICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 35 minutes as the designee of the majority leader.

Mr. MICA. Madam Speaker, tonight is Tuesday night and it is the night that I reserve to come before the House on the issue of illegal narcotics and how the problem of drug abuse and illegal narcotics affects our Nation and the impact that illegal narcotics has upon our society, this Congress, and the American people.

Tonight I want to provide a brief update of some of the information that we have obtained. Our subcommittee, which I am privileged to chair, the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform and Oversight, has as one of its primary charters and responsibilities to help develop a coherent policy, at least from the perspective of the House of Representatives, and working with the other body, the United States Senate and also the White House, the administration, to come up with a coherent strategy to deal with the problem of drug abuse and illegal narcotics.

I have often cited on the floor the impact which really knows no boundaries today in the United States. Almost every family is affected in some way by drug abuse, illegal narcotics, or the ravages of drug-related overdose and death.

I have cited a most recent statistic, which is 15,973 Americans died in 1998, the last figures we have total for drug-related deaths. And according to our drug czar, Barry McCaffrey, who testified before our subcommittee, over 52,000 Americans died in the last recorded year of drug-related deaths either directly or indirectly.

We do not know the exact figure because sometimes a child who is beaten to death by a parent who is on illegal narcotics is not counted as a victim. Sometimes a spouse who is abused to the point of death is not counted as a victim. Sometimes a bus driver who is on an illegal narcotic that has had a fatal vehicle crash, the number of victims there are not counted in the tally. But we do know the total is dramatic.

This past week our subcommittee had the opportunity to hear from the Center for Disease Control in Atlanta and officials came in and briefed our subcommittee, some of the Members in the House, about some of the most recent findings. And the findings are quite alarming, particularly among our young people.

They confirm what most Americans know and what many parents fear, that illegal narcotics are more prevalent on our society. The study that they reviewed for the members of the subcommittee revealed, in fact, that there have been some dramatic increases in drug use and abuse among our young people.

I brought tonight some charts from that study and also from a study on national youth risk behavior. This shows the percentage of high school students who have used methamphetamines, some figures that show in 9th grade we were up to 6.3 percent, in 10th grade 9.3 percent, 11th grade 10 percent, and 12th grade 11½ percent.

These are pretty dramatic figures when we stop and think that we are talking about young people and having as high a percentage as we have reported here have used methamphetamine. And methamphetamine, if my colleagues are not familiar with methamphetamine, can be more damaging and create more bizarre behavior than the crack epidemic that we had in the 1980s. To have these percentages of our young people having experimented or used methamphetamine is quite disturbing.

The other thing many people do not realize about methamphetamine is methamphetamine does an incredible job of destroying the brain and it is not a drug which allows you to have some replenishing of damaged brain cells. It is not a narcotic that leaves temporary damage. Methamphetamine induces an almost Parkinson's-like damage to the brain and does incredible damage and results in bizarre behavior.

Now, we have conducted hearings throughout the United States, some in California, some in Louisiana. Next Monday we will be in Sioux City, Iowa, the heartland of America, which is also experiencing an incredible methamphetamine epidemic. That area has been hit by Mexican methamphetamines and we have reports again of incredible numbers people throughout the Midwest, the far West, now in the South and East, who are falling victim to methamphetamine.

This chart should be a shocker to every parent out in America, to every Member of Congress who sees this. These are some pretty dramatic figures. When we stop and consider that these figures really were not even registering some 6 or 7 years ago, there was almost no meth available, shows that we have got to do a better job of first of all controlling the substance, law enforcement going after those who traffic in this deadly substance.

Also, it is absolutely incumbent that we do a better job in educating our young people and preventing people from getting hooked on this drug. Now, getting hooked on drugs is bad enough. But this drug does incredible damage, as I said.

We have had Dr. Leschner, who heads up the National Institute of Drug Abuse, testify before our subcommittee about the permanent damage that is done to the brain with this drug. This is not a question of addiction or use a little and come out of it. This is a question of becoming a victim of this. And the question of addiction is really too late for those who get on methamphetamine. There is no recovery. There is no turning back. Because they have induced some incredible damage to their brain and to their ability to function as a normal human being.

□ 2300

Addiction and treatment might sound good and well-intended, but in fact methamphetamine is the end of the road for many people. Again this is absolutely a disturbing chart and figure to show us that 11.5 percent of our 12th graders are now reported having ever used methamphetamine, a shocking figure.

Another figure that we have from 1991–1992 during the beginning of this administration, we had about 2 percent of our high school students being reported as using cocaine. That figure in 1999 is now up to 4 percent, a 100 percent increase in cocaine use among our young people. This again is another dramatic increase in a hard and a very destructive narcotic. These figures are reported to us again last week by CDC and indicate a disturbing trend. This is in spite of the Congress, Republican and Democrat efforts to put together a massive educational campaign, $1 billion in public funding over a 3-year period supplemented by $1 billion in donated service and time toward that effort, so a multi-billion-dollar education campaign. I know some of my colleagues have seen those ads on television but quite frankly with the results that we are experiencing with our young people, we are missing the target. We see a dramatic increase in cocaine use, particularly among our young people, a skyrocketing figure for methamphetamine, both shocking for parents and again Members of Congress who have attempted, I think, to stem some of this illegal narcotics abuse.

This is the percentage of high school students who ever used cocaine from 1993. From the beginning of this administration to the current time we see a doubling in use, another dramatic figure. Somehow the message must have gotten lost in this period here, the beginning of this administration, that illegal narcotics were something that could be tolerated and possibly used and that is unfortunate that any message that condoned or gave any message other than ''Just Say No.'' Actually we have had incredible results from that lack of a direct specific message. A doubling again of the percentage of high school students who have ever used cocaine, disturbing, I am sure, to parents in the latest statistic we have from the Centers for Disease Control.

I think this next chart and again this information is provided to us by the

Centers for Disease Control in Atlanta to our subcommittee last week is another startling figure. Go back to 1991–1992. Thirty-one percent of the students had used marijuana in that period. Now we have almost half of the students reported last week, 1997–1999 have used marijuana. Many people refer to marijuana as a soft drug and maybe some of the boomers who used marijuana in college or in school in the 1960s and 1970s were not much affected by use of marijuana. Unfortunately, the marijuana that is on the streets today has very high levels of purity. We have some testimony in our subcommittee about the damage that the current high purity marijuana does to young people. I was shocked to learn, also, from NIDA, our National Institute of Drug abuse, that marijuana is now the most addictive narcotic. Even though it is again commonly referred to as a soft drug, it is the most addictive drug and it is also referred to as a gateway drug. So young people who think it is fashionable to use marijuana are on the increase. It is unfortunate that this administration gave sort of a ''Just Say Maybe'' policy with the appointment of a liberal and I think mixed message chief health officer of the United States and that officer was Surgeon General Joycelyn Elders and she said just say maybe. I do not think that the President of the United States really showed the leadership and provided the direction to get the message out to our young people about the problem of illegal narcotics use. That actually I think has been substantiated by a little research we did.

I mentioned last week, and we only had 15 minutes of special order last week, that a lady had come up to me during one of our recent visits home and she said, ''I have never heard President Clinton talk about the war on drugs.'' Out of curiosity, I had our staff run a tally of all of the public recorded accounts. I think most people have a computer or access to Nexus research which has most of the public statements recorded there can plug in ''President Clinton'' and then ''the war on drugs.'' What was absolutely startling is the President has referred to the war on drugs eight times, you can count it on just eight fingers, since he took office in public recorded statements, he has referred to the war on drugs. Basically what happened in 1992–1993 is we closed down the war on drugs.

If we take another chart and look at the drug use and abuse and prevalence particularly among our young people, we see a decline in the Bush and the Reagan administration, and then we see an incline during this administration, the administration tolerating this use, and it is recorded again in the drug figures that we see, some of them nearly doubling in drug use and abuse.

If methamphetamine, marijuana and cocaine are not bad enough, we see some dramatic increases in suburban teen heroin use. These statistics were just provided last month, in May. It shows that we have risen in suburban teen use from 500,000 in 1996 to nearly 1 million in 1999, a startling figure for one of the drugs again that is about as deadly as you can find on the streets across this land. The purity levels of the heroin that we are finding are not the purity levels again of the 1970s and 1980s. These drugs, this heroin is a deadly substance, sometimes 70 plus percent purity level. That is why we have incredible overdose deaths from heroin that is on the street today, another dramatic figure and another dramatic increase in a particularly deadly illegal narcotic.

One of the myths that we often hear and we had a debate on the House floor about whether we should restart the war on drugs. Again, I must point out to my colleagues that in fact the war on drugs was closed down by the Clinton administration in 1993. The Democrat-controlled House of Representatives, the Senate, and the White House from 1993 to 1995 did inestimable damage to what had formerly been a formal and organized war on drugs. They cut the source country program stopping drugs in a cost-effective manner at their source, certainly a Federal responsibility. They took the military out of the interdiction, and that was mainly a surveillance role in finding drugs and spotting drugs as they came from the source countries, certainly a role that local and State law enforcement cannot do, a responsibility of the Federal Government to protect us from a danger coming towards our border.

□ 2310

They closed down and cut these programs by 50 percent, took the military out or deployed the military and other deployments around the globe, and what happened really was an emphasis to move toward treatment. They started putting all of the eggs in the treatment basket.

I often think of what they did as a little bit like fighting World War II or any armed conflict that we have been in. Can you imagine not going after the enemy; not going after the source of the destruction, the enemy's reigning on us? That is basically the strategy that was adopted, a strange strategy that actually said let us just treat the wounded in battle.

Of course, the policy and the legislation adopted by this Congress under the control of the democratic majority from 1992 to 1995 put the money into treatment, and we can see the trend. We often hear this debate, oh, we need to just treat people. We can treat our way out of this problem.

This is a chart that I had staff graph for us, and it shows Federal drug treatment has dramatically increased. We go up here to the period of 1992–1993, right in here, a steady amount of money going up, a little bit of leveling off during the takeover of the Republican control. Even under the Republican control, I am told in the last several years, we, the majority side, have increased treatment spending some 26 percent just in this period of time.

We have had a dramatic increase in treatment. The problem is we have an incredible addiction population, so we are getting more wounded in the battle, but not fighting the battle on all the fronts that are particularly a Federal obligation and cannot be fought by local or state officials.

This, again, I think debunks some of the myths that are out there that we do not spend enough money on treatment. We have doubled, in some cases tripled, the amount of money on treatment, and we have an incredibly larger and larger addicted population. Unfortunately, I do not think people pay much attention to what it means to be addicted. Once you get addicted, your chances of being cured are, at very best, with hard narcotics, about 50 percent.

Unfortunately, we have a 60 percent to 70 percent failure rate in our treatment programs that are public. The faith based and some of the other private treatment programs are much more successful. I will talk about Baltimore, which has one of the biggest addicted populations in the country, partly a direct result of a liberal drug policy, a policy where they have needle exchange, a policy where the former police chief had said, well, we are not going to enforce, not going after all the drug markets. We are not going to enforce the law. We are not going to take advantage of Federal law enforcement assistance to go after drug dealers and pushers and traffickers.

That policy has had a very dramatic effect in Baltimore. Baltimore, in fact, has had a steady number of murders which have exceeded 300 for each of the past recent years, while other areas like New York, with a zero tolerance policy, like Richmond, with the Project Exile going after tough enforcement, have cut the murders by some 50 percent in those cities and even more dramatically.

The zero tolerance policies, and we will show them, and the facts support this, it is not something I am making up, have worked and cut drug abuse and crime at every level across the board.

The tolerant liberal, the nonenforcement attitude of Baltimore has resulted in a disaster for that city by any measure, by deaths. The number of addicts in Baltimore have jumped, according to one city council person who has said publicly, 1 in 8 in the population, that is some 60,000 to 80,000 heroin and drug addicts in Baltimore as a result of a liberal policy, as a result of lack of enforcement, as a result of only going to a policy of treatment.

It has not worked. It does not work. And this is the path that we have been headed on, as far as Federal policy. This is an interesting chart that we had the staff make up, and we wanted to put altogether in one chart what we are doing with treatment.

People say we are not spending enough money again in treatment. This line here, this blue line shows treatment. It shows that on a steady increase we see what has happened in interdiction, dramatic decreases. They start in the period of the Clinton administration, where a Democrat-controlled House and Senate, the White House making a policy to cut interdiction.

These are international programs, that would be stopping drugs at their source; that is also cut. If we look at where we are heading, we are trying to get back to the 1992–1993 levels in terms of those dollars of that time in spending in international programs, again, stopping drugs at their source and also in the interdiction, getting the intelligence information.

If we have intelligence on people who are trafficking in narcotics, and it is real information, it is accurate information, we can go after those who are dealing in that death and destruction. When we cut that out, we have an incredible volume of illegal narcotics coming into the United States, and that is exactly what has happened now.

To compound the problem, what has happened is our major operations center for our illegal narcotics advance work for surveillance, going after drug traffickers was basically closed down last May 1 when the administration failed to negotiate with Panama for not keeping our military base open, but keeping our forward drug surveillance operations operating in Panama.

General Wilhelm who is in charge of our Southern Command. The Southern Command overlooks the drug production and trafficking zone. General Wilhelm provided our subcommittee a letter last week and said we are down to about a third of our former capability prior to the time that we had Panama open and the main center of operations for forward-operating locations.

This chart does again debunk that we are not concentrating on treatment. Certainly, we have put a ton of money in treatment. It is doubled as we saw from the other one. Where we have lost the momentum is going after these huge supplies of illegal narcotics, both at their source and on the way to our shores.

□ 2320

Now, one of the things that we know is where these narcotics are coming from. This is not rocket science, it does not require a Ph.D. or a lot of study. We knew that in 1993, when this administration took over, that we had 90 percent of the cocaine coming from Bolivia, Peru, a tiny bit from Colombia. This chart shows Colombia and Andean cocaine production. This shows Colombia here, and you see very little produced, 1991–1992. These figures have not been doctored in any way. This is just graphing cocaine production in that era. Almost none in Colombia, most of it was coming from Peru, up here, and from Bolivia, about 90 percent of it.

The former chairman of the committee, the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and Mr. Zeliff, who came in immediately before him and had assumed the responsibility for helping develop a drug strategy under the new majority, said we know where these narcotics are coming from. Let us take a few dollars and put it in going after the drugs at their source. That is what was done in 1995 by the new majority.

We targeted three areas, Peru, Colombia and Bolivia. That is because those are the only places where they produce cocaine. We were able to establish programs in Peru and Bolivia with the cooperation of President Fujimori, which this administration has trashed recently and who won a legitimate reelection, and still this administration trashed. I can tell you, having gone to Lima, Peru, and visited Peru before President Fujimori took over, there was absolute chaos in the country. The production of narcotics was running rampant, terrorists were killing and maiming in the villages, the City of Lima was understood under siege, and President Fujimori went after the drug traffickers, shot down those that deal with death and destruction and drugs, and brought that country to the order and the prosperity it is now seeing. He, in fact, with a little tiny bit of our aid, just several millions of dollars, took Peru from a major producer down by some 50 percent reduction, in fact a 65 percent reduction is our latest figure, in cocaine production in Peru.

Bolivia, with the help of President Banzer, who took over, and we went down and discussed these programs, a little bit of assistance, some crop alternatives so the peasants would be growing something other than coca, and those programs work. There has been more than a 50 percent reduction in Bolivia of cocaine.

We pleaded with this administration to get aid and assistance to Colombia, the other producing area, and on every occasion the President blocked aid to Colombia; on every occasion the State Department thwarted our efforts to get even a few helicopters up into the Andean region to go after the coca that was being produced, and, if you want to get into heroin, there was no heroin produced to speak of in 1992–1993, the beginning of this administration.

So the direct policy of this administration and the liberals in the Congress helped make Colombia the producer of 80 to 90 percent of the cocaine in 6 years, and probably 75 percent of the heroin in 6 years. Until early this spring, the President and this administration never brought before the Congress any type of cooperative plan to deal with the situation in Colombia. Unfortunately, now it has caught up in the legislative process.

I call on my colleagues, Republicans and Democrats, to bring this forth. This plan works. This is not, again, rocket science. We can stop hard drugs from coming into our borders. We are not going to stop all of them, but this shows exactly what has taken place, and I think one of the most graphic portrayals that has been produced from our subcommittee.

Again, this should be the ''chart of shame'' for this administration and the policies of the other side. This shows in 1993 the production of cocaine and heroine produced in Colombia. 1993, almost nothing for cocaine. For heroin, in 1993, almost none produced in Colombia. Now it produces 75 percent.

Congratulations to the Clinton Administration. This is a great legacy, that you have managed to concentrate the drug production of two of the most deadly drugs in nearly 7 years here in one country in which you have blocked any assistance. It is an incredible legacy, and, unfortunately, it has resulted in a rash of epidemics of the use of these, particularly, as I just cited, according to the CDC report we got last week, among our young people, an incredible volume being produced in those countries.

Again, this is not rocket science. We know where it is coming from. We know heroin is coming out of Colombia, 75 percent being used in the United States. We know that by any seizure that is done around the United States.

Madam Speaker, to wind this up, we do need a bipartisan and cooperative effort. We must learn by the mistakes that have been made. We must learn by putting together a plan that does work and move forward with it. Next week, hopefully, we will have an hour to tell the rest of the story, as Paul Harvey says.

## MOVING THE ACCESSION OF THE REPUBLIC OF ARMENIA TO THE WTO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, on the eve of last year's meeting of the World Trade Organization in Seattle, I was joined by 11 of my colleagues in this House on a bipartisan basis in calling on U.S. Trade Representative Charlene Barshefsky to help move the accession of the Republic of Armenia to the WTO. Recently the Trade Representative's office provided me with

an update on the administration's negotiations with Armenia for its accession to the WTO. In his letter, Trade Representative official Richard W. Fisher indicates that the United States strongly supports Armenia's WTO membership and its integration into the world economy.

Quoting from Mr. Fisher's letter, ''Armenia has made impressive progress on economic reform and transition to a market economy under very difficult economic circumstances. We believe that Armenia's implementation of WTO provisions will facilitate further progress towards increased investment and economic growth and that its acceptance of WTO market access commitments will foster Armenia's further integration into the global trading system.''

□ 2330

Madam Speaker, the letter goes on to state that, ''In the last year, Armenia has made substantial progress in its negotiations to complete the accession process, both with the United States and with other WTO members. Market access negotiations on tariffs, services, and agricultural supports are very close to completion, and Armenia has reported that its efforts to enact legislation to implement WTO provisions are also in the last stages.''

Mr. Fisher notes that WTO delegations will meet in July to further assess Armenia's progress, and that the administration shares the goal of many of us in Congress that these negotiations be completed as soon as possible.

Madam Speaker, this is certainly very encouraging news. Since achieving its independence about a decade ago, Armenia has sought to integrate its economy with its immediate neighbors, as well as with the larger world.

While Armenia has achieved strong bilateral ties with the United States, Europe, and other regions of the world, unfortunately achieving economic integration in its immediate neighborhood has proven more difficult, through no fault of Armenia's, I should add.

Armenia's neighbors to the west, Turkey, and to the east, Azerbaijan, continue to maintain devastating economic blockades. Armenia has sought to normalize relations with its neighbors, but has been snubbed.

Still, despite the isolation imposed on this small landlocked Nation by hostile neighbors, Armenia endeavors to become an integral part of the world community through a range of international organizations, including NATO's Partnership for Peace program and the Organization for Security and Cooperation in Europe, the OSCE, among others.

What Armenia needs most is economic development. Membership in the WTO will help Armenia attract investment and reach new markets under a predictable international framework.

Madam Speaker, economic development for Armenia over the longer term will be based on that Nation's ability to establish trading networks, attract investment, and enact the kinds of free market economic policies that foster sustained prosperity.

Armenia's elected leaders know this, but in the shorter term, Armenia still needs the kind of assistance that a great Nation like the United States can provide. In the immediate years after independence, as Armenia coped with the effects of blockades and the destruction wrought by a devastating earthquake, there was a crying need for direct humanitarian assistance. In the years since, the thrust of assistance has shifted to development aid.

In order to help Armenia achieve self-sufficiency, the United States must continue to provide developmental and humanitarian assistance. We must also use our influence to bring about regional integration and confidence-building measures that will help Armenia and its neighbors achieve stability and become full-fledged members of the emerging global economy.

We must also do more to resolve the Nagorno-Karabagh conflict, recognizing the legitimate security and self-determination needs of the Karabagh people. This will create the kind of stability that lends itself to economic development.

Madam Speaker, I just wanted to say lastly this evening that I am encouraged by the support that the administration has demonstrated in helping Armenia's accession to the WTO. I will keep the pressure on the administration to help in the other areas through direct assistance and in fostering regional stability. That will make this anticipated accession to the WTO meaningful in the lives of the people of Armenia.

## RECESS

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 32 minutes p.m.), the House stood in recess subject to the call of the Chair.

## AFTER RECESS

□ 0010

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 12 o'clock and 10 minutes a.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4690, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106–684) on the resolution (H. Res. 529) providing for consideration of the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106–685) on the resolution (H. Res. 530) providing for consideration of the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MOLLOHAN) to revise and extend their remarks and include extraneous material:)

Mr. ALLEN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. KNOLLENBERG) to revise and extend their remarks and include extraneous material:)

Mr. BRADY of TEXAS, for 5 minutes, today.

Mr. BURTON of INDIANA, for 5 minutes, June 27.

Mr. ADERHOLT, for 5 minutes, June 21.

## JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 101. Recognizing the 225th birthday of the United States Army.

## ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes a.m.), under its previous order, the House adjourned until today, Wednesday, June 21, 2000, at 9 a.m.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95–384, are as follows:

### AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| David Adams | 1/5 | 1/7 | Ecuador | | 301.00 | | | | | | 301.00 |
| | 1/16 | 1/18 | Venezuela | | 525.40 | | | | | | 525.40 |
| | 1/18 | 1/19 | Colombia | | 193.00 | | | | | | 193.00 |
| | 1/19 | 1/20 | Guatemala | | 140.00 | | | | | | 140.00 |
| | 1/20 | 1/22 | Mexico | | 442.00 | | | | | | 442.00 |
| Hon. Cass Ballenger | 1/16 | 1/18 | Venezuela | | 60.00 | | | | | | 60.00 |
| | 1/18 | 1/19 | Colombia | | 193.00 | | | | [3] 942.00 | | 1,135.00 |
| | 1/19 | 1/20 | Guatemala | | 92.35 | | | | | | 92.35 |
| | 1/20 | 1/22 | Mexico | | 100.00 | | | | | | 100.00 |
| Paul Berkowitz | 1/3 | 1/7 | India | | 1,263.00 | | 173.00 | | | | 1,436.00 |
| | 1/8 | 1/10 | Philippines | | 732.00 | | | | | | 732.00 |
| | 1/11 | 1/14 | New Zealand | | 644.00 | | | | | | 644.00 |
| Commercial airfare | | | | | | | 8,914.03 | | | | 8,914.03 |
| Nancy S. Bloomer | 1/9 | 1/10 | Denmark | | 358.00 | | | | | | 358.00 |
| | 1/10 | 1/12 | Switzerland | | 616.00 | | | | | | 616.00 |
| | 1/12 | 1/15 | Belgium | | 790.00 | | | | | | 790.00 |
| | 1/15 | 1/17 | Portugal | | 418.00 | | | | | | 418.00 |
| | 1/17 | 1/19 | Spain | | 518.00 | | | | | | 518.00 |
| Hon. Kevin Brady | 1/12 | 1/15 | Belgium | | 755.90 | | | | | | 755.90 |
| Commercial airfare | | | | | | | 6,597.26 | | | | 6,597.26 |
| Sean Carroll | 1/15 | 1/18 | Venezuela | | 765.85 | | | | | | 765.85 |
| | 1/18 | 1/20 | Colombia | | 386.00 | | | | | | 386.00 |
| | 2/11 | 2/13 | Haiti | | 369.00 | | | | | | 369.00 |
| Commercial airfare | | | | | | | 1,166.80 | | | | 1,166.80 |
| Hon. William Delahunt | 1/15 | 1/18 | Venezuela | | 311.50 | | | | | | 311.50 |
| | 1/18 | 1/20 | Colombia | | 386.00 | | | | | | 386.00 |
| Commercial airfare | | | | | | | 1,347.80 | | | | 1,347.80 |
| Nisha Desai | 1/6 | 1/7 | Holland | | | | | | | | |
| | 1/7 | 1/15 | India | | 2,238.00 | | | | | | 2,238.00 |
| Commercial airfare | | | | | | | 7,052.63 | | | | 7,052.63 |
| Mike Ennis | 1/8 | 1/13 | Korea | | 772.00 | | | | | | 772.00 |
| | 1/13 | 1/17 | Vietnam | | 636.00 | | | | | | 636.00 |
| | 1/17 | 1/20 | Hong Kong | | 929.00 | | | | | | 929.00 |
| Commercial airfare | | | | | | | 5,797.40 | | | | 5,797.40 |
| Hon. Eni F.H. Faleomavaega | 2/11 | 2/13 | Haiti | | 369.00 | | | | | | 369.00 |
| David Fite | 1/8 | 1/13 | Korea | | 934.00 | | | | | | 934.00 |
| Commercial airfare | | | | | | | 3,814.80 | | | | 3,814.80 |
| Ricahrd J. Garon | 1/9 | 1/10 | Denmark | | 358.00 | | | | | | 358.00 |
| | 1/10 | 1/12 | Switzerland | | 616.00 | | | | | | 616.00 |
| | 1/12 | 1/15 | Belgium | | 790.00 | | | | | | 790.00 |
| | 1/15 | 1/17 | Portugal | | 418.00 | | | | | | 418.00 |
| | 1/17 | 1/19 | Spain | | 518.00 | | | | | | 518.00 |
| Hon. Sam Gejdenson | 1/6 | 1/7 | Holland | | | | | | | | |
| | 1/7 | 1/14 | India | | 2,137.00 | | | | [3] 2,451.41 | | 4,588.41 |
| Commercial airfare | | | | | | | 6,730.63 | | | | 6,730.63 |
| Hon. Benjamin A. Gilman | 1/9 | 1/10 | Denmark | | 358.00 | | | | [3] 12,785.48 | | 13,143.48 |
| | 1/10 | 1/12 | Switzerland | | 616.00 | | | | [2] 7,392.00 | | 8,008.00 |
| | 1/12 | 1/15 | Belgium | | 790.00 | | | | [3] 12,670.69 | | 13,460.69 |
| | 1/15 | 1/17 | Portugal | | 418.00 | | | | | | 418.00 |
| | 1/17 | 1/19 | Spain | | 518.00 | | | | [3] 11,271.87 | | 11,789.87 |
| Charisse Glassman | 1/5 | 1/7 | Papua New Guinea | | 348.81 | | | | | | 348.81 |
| | 1/7 | 1/8 | Australia | | 258.00 | | | | | | 258.00 |
| | 1/8 | 1/9 | New Zealand | | 73.00 | | | | | | 73.00 |
| | 1/9 | 1/13 | Australia | | 894.00 | | | | | | 894.00 |
| Commercial airfare | | | | | | | 10,938.42 | | | | 10,938.42 |
| Jason Gross | 1/9 | 1/10 | Denmark | | 358.00 | | | | | | 358.00 |
| | 1/10 | 1/12 | Switzerland | | 516.00 | | | | | | 516.00 |
| | 1/12 | 1/15 | Belgium | | 690.00 | | | | | | 690.00 |
| | 1/15 | 1/17 | Portugal | | 418.00 | | | | | | 418.00 |
| | 1/17 | 1/19 | Spain | | 518.00 | | | | | | 518.00 |
| Hon. Alcee Hastings | 1/12 | 1/15 | Austria | | 504.00 | | | | | | 504.00 |
| Commercial airfare | | | | | | | 5,207.16 | | | | 5,207.16 |
| John Herzberg | 1/9 | 1/10 | Denmark | | 358.00 | | | | | | 358.00 |
| | 1/10 | 1/12 | Switzerland | | 616.00 | | | | | | 616.00 |
| | 1/12 | 1/15 | Belgium | | 790.00 | | | | | | 790.00 |
| | 1/15 | 1/17 | Portugal | | 418.00 | | | | | | 418.00 |
| | 1/17 | 1/19 | Spain | | 518.00 | | | | | | 518.00 |
| Hon. Earl F. Hilliard | 2/11 | 2/13 | Haiti | | 369.00 | | | | | | 369.00 |
| Amos Hochstein | 1/6 | 1/7 | Holland | | | | | | | | |
| | 1/7 | 1/15 | India | | 2,118.00 | | | | | | 2,118.00 |
| Commercial airfare | | | | | | | 6,705.73 | | | | 6,705.73 |
| Hon. Amo Houghton | 1/5 | 1/12 | Australia | | | | | | | | |
| Charmaine Houseman | 1/9 | 1/13 | Korea | | 851.00 | | | | | | 851.00 |
| | 1/13 | 1/17 | Vietnam | | 715.00 | | | | | | 715.00 |
| | 1/17 | 1/20 | Hong Kong | | 1,007.00 | | | | | | 1,007.00 |
| Commercial airfare | | | | | | | 4,603.24 | | | | 4,603.24 |
| Hon. Peter King | 1/15 | 1/17 | Portugal | | 118.00 | | | | | | 118.00 |
| | 1/17 | 1/19 | Spain | | 518.00 | | | | | | 518.00 |
| Commercial airfare | | | | | | | 523.21 | | | | 523.21 |
| Robert R. King | 1/9 | 1/10 | Denmark | | 358.00 | | | | | | 358.00 |
| | 1/10 | 1/12 | Switzerland | | 616.00 | | | | | | 616.00 |
| | 1/12 | 1/15 | Belgium | | 790.00 | | | | | | 790.00 |
| | 1/15 | 1/17 | Portugal | | 418.00 | | | | | | 418.00 |
| | 1/19 | 1/20 | Australia | | 436.00 | | | | | | 436.00 |
| | 1/20 | 1/23 | East/West Timor | | 640.00 | | | | | | 640.00 |
| | 1/23 | 1/26 | Indonesia | | 741.00 | | | | | | 741.00 |

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Commercial airfare | | | | | | | 7,336.57 | | | | 7,336.57 |
| | 2/19 | 2/21 | Marshall Islands | | 450.00 | | | | | | 450.00 |
| | 2/22 | 2/28 | Micronesia | | 992.00 | | | | | | 992.00 |
| Commercial airfare | | | | | | | 6,659.94 | | | | 6,659.94 |
| Hon. Tom Lantos | 1/10 | 1/12 | Switzerland | | 616.00 | | | | | | 616.00 |
| | 1/12 | 1/13 | Belgium | | 303.00 | | | | | | 303.00 |
| | 1/17 | 1/20 | London | | 306.00 | | | | | | 306.00 |
| Commercial airfare | | | | | | | 207.99 | | | | 207.99 |
| John Mackey | 1/9 | 1/10 | Denmark | | 358.00 | | | | | | 358.00 |
| | 1/10 | 1/12 | Switzerland | | 616.00 | | | | | | 616.00 |
| | 1/12 | 1/15 | Belgium | | 790.00 | | | | | | 790.00 |
| | 1/15 | 1/17 | Portugal | | 418.00 | | | | | | 418.00 |
| | 1/17 | 1/19 | Spain | | 518.00 | | | | | | 518.00 |
| Marc Mealy | 1/6 | 1/7 | Holland | | | | | | | | |
| | 1/7 | 1/15 | India | | 2,325.47 | | | | | | 2,325.47 |
| Commercial airfare | | | | | | | 6,659.63 | | | | 6,659.63 |
| Kathleen Moazed | 1/13 | 1/16 | Vietnam | | 576.00 | | | | | | 576.00 |
| | 1/16 | 1/20 | Laos | | 600.00 | | | | [3] 782.23 | | 1,382.23 |
| | 1/20 | 1/20 | Thailand | | 199.00 | | | | [3] 50.51 | | 249.51 |
| Commercial airfare | | | | | | | 7,786.41 | | | | 7,786.41 |
| Vincent L. Morelli | 1/16 | 1/18 | Venezuela | | 525.40 | | | | | | 525.40 |
| | 1/18 | 1/19 | Colombia | | 193.00 | | | | | | 193.00 |
| | 1/19 | 1/20 | Guatemala | | 140.00 | | | | | | 140.00 |
| | 1/20 | 1/22 | Mexico | | 442.00 | | | | | | 442.00 |
| Joan O'Donnell | 1/9 | 1/10 | Denmark | | 358.00 | | | | | | 358.00 |
| | 1/10 | 1/12 | Switzerland | | 616.00 | | | | | | 616.00 |
| | 1/12 | 1/15 | Belgium | | 790.00 | | | | | | 790.00 |
| | 1/15 | 1/17 | Portugal | | 418.00 | | | | | | 418.00 |
| | 1/17 | 1/19 | Spain | | 518.00 | | | | | | 518.00 |
| Hon. Donald Payne | 1/5 | 1/7 | Papua New Guinea | | 344.77 | | | | [3] 72.50 | | 417.27 |
| | 1/7 | 1/8 | Australia | | 258.00 | | | | | | 258.00 |
| | 1/8 | 1/9 | New Zealand | | 73.00 | | | | | | 73.00 |
| | 1/9 | 1/13 | Australia | | 894.00 | | | | [3] 89.43 | | 983.43 |
| Commercial airfare | | | | | | | 9,858.67 | | | | 9,858.67 |
| Stephen Rademaker | 1/23 | 1/25 | Austria | | 336.00 | | | | [3] 41.93 | | 377.93 |
| Commercial airfare | | | | | | | 4,026.15 | | | | 4,026.15 |
| Frank Record | 1/9 | 1/10 | Denmark | | 258.00 | | | | | | 258.00 |
| | 1/10 | 1/12 | Switzerland | | 416.00 | | | | | | 416.00 |
| | 1/12 | 1/15 | Belgium | | 690.00 | | | | | | 690.00 |
| Commercial airfare | | | | | | | 2,205.15 | | | | 2,205.15 |
| Grover Joseph Rees | 1/17 | 1/18 | Singapore | | 149.25 | | | | | | 149.25 |
| | 1/19 | 1/21 | Australia | | 280.00 | | | | | | 280.00 |
| | 1/21 | 1/24 | East/West Timor | | 340.00 | | | | | | 340.00 |
| | 1/24 | 1/27 | Indonesia | | 840.00 | | | | [3] 42.15 | | 882.15 |
| | 1/27 | 1/28 | Singapore | | 149.25 | | | | | | 149.25 |
| Commercial airfare | | | | | | | 5,155.80 | | | | 5,155.80 |
| Matt Reynolds | 2/19 | 2/21 | Marshall Islands | | 450.00 | | | | | | 450.00 |
| | 2/22 | 2/28 | Micronesia | | 937.00 | | | | | | 937.00 |
| Commercial airfare | | | | | | | 6,659.94 | | | | 6,659.94 |
| Hon. Dana Rohrabacher | 1/7 | 1/11 | Philippines | | 776.00 | | | | [3] 356.37 | | 1,132.37 |
| | 1/11 | 1/18 | Thailand | | 1,393.00 | | | | [3] 1,764.86 | | 3,157.86 |
| | 1/14 | 1/14 | Cambodia | | | | | | | | |
| Commercial airfare | | | | | | | 1,871.11 | | | | 1,871.11 |
| Laura Rush | 1/9 | 1/10 | Denmark | | 358.00 | | | | | | 358.00 |
| | 1/10 | 1/12 | Switzerland | | 616.00 | | | | | | 616.00 |
| | 1/12 | 1/15 | Belgium | | 790.00 | | | | | | 790.00 |
| | 1/15 | 1/17 | Portugal | | 418.00 | | | | | | 418.00 |
| | 1/17 | 1/19 | Spain | | 518.00 | | | | | | 518.00 |
| Hon. Matt Salmon | 1/9 | 1/13 | China | | 1,120.00 | | | | [3] 7,564.48 | | 8,684.48 |
| | 1/13 | 1/15 | Hong Kong | | 694.00 | | | | [3] 5,874.26 | | 6,568.26 |
| | 1/15 | 1/18 | Taiwan | | 530.00 | | | | [3] 5,589.96 | | 6,119.96 |
| Tom Sheehy | 1/9 | 1/13 | Korea | | 851.00 | | | | | | 851.00 |
| | 1/13 | 1/17 | Vietnam | | 715.00 | | | | | | 715.00 |
| | 1/17 | 1/20 | Hong Kong | | 1007.00 | | | | | | 1007.00 |
| Linda Solomon | 1/9 | 1/10 | Denmark | | 358.00 | | | | | | 358.00 |
| | 1/10 | 1/12 | Switzerland | | 616.00 | | | | | | 616.00 |
| | 1/12 | 1/15 | Belgium | | 790.00 | | | | | | 790.00 |
| | 1/15 | 1/17 | Portugal | | 418.00 | | | | | | 418.00 |
| | 1/17 | 1/19 | Spain | | 518.00 | | | | | | 518.00 |
| Hillel Weinberg | 1/9 | 1/10 | Denmark | | 277.00 | | | | | | 277.00 |
| | 1/10 | 1/12 | Switzerland | | 516.00 | | | | | | 516.00 |
| | 1/12 | 1/15 | Belgium | | 690.00 | | | | | | 690.00 |
| | 1/15 | 1/17 | Portugal | | 318.00 | | | | | | 318.00 |
| | 1/17 | 1/19 | Spain | | 418.00 | | | | | | 418.00 |
| Committee total | | | | | 74,935.95 | | 127,999.47 | | 69,742.13 | | 272,677.55 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Indicates delegation costs.

BEN GILMAN, Chairman.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8241. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule —Food Stamp Program: Payment of Certain Administrative Costs of State Agencies [Amdt. No. 385] (RIN: 0584–AB66) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8242. A letter from the Associate Administrator, Dairy, Department of Agriculture, transmitting the Department's final rule— Milk in the New England and Other Marketing Areas; Order Amending the Orders; Correction [Docket No. DA–97–12] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8243. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule— Marketing Order Regulating the Handling of Spearmint Oil Produced on the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 1999–2000 Marketing Year [Docket No. FV00–985–3 FIR] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8244. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Workforce Investment Act (RIN: 1205–AB20) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8245. A letter from the Director, Coporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8246. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations: Exports of Commercial Communications Satellite Components, Systems Parts, Accessories and Associated Technical Data on the United States Munitions List—received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8247. A letter from the Assistant Secretary of the Army, Financial Management and Comptroller, Department of the Army, transmitting the Annual Financial Report For Fiscal Year 1999; to the Committee on Government Reform.

8248. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's final rule— Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations—received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8249. A letter from the Deputy Assistant Administrator, OAR, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Improved Methods for Ballast Water Treatment and Prevention of Small Boat Transport of Invasive Species: Request for Proposals for FY 2000 [Docket No. 000404094–0094–01] (RIN: 0648–ZA84) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8250. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 051200B] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8251. A letter from the Executive Director, Oklahoma City National Memorial Trust, transmitting the Trust's final rule—Rules and Regulations for Oklahoma City National Memorial—received May 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8252. A letter from the Under Secretary, Intellectual Property and Director of the U.S. Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule—Changes to Permit Payment of Patent and Trademark Fees by Credit Card [Docket No. 99100008272–0123–02] (RIN: 0651–AB07) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8253. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Emergency Control Measures for Tank Barges [USCG 1998–4443] (RIN: 2115–AF65) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8254. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marquette, MI; revocation of Class E Airspace; Sawyer, MI, and K.I. Sawyer, MI [Airspace Docket No. 99–AGL–42] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8255. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30043; Amdt. No. 1992] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8256. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Maule Aerospace Technology, Inc M–4, M–5, M–6, M–7, MX–7, and MXT–7 Series Airplanes and Models MT–7–235 and M–8–235 Airplanes [Docket No. 2000–CE–04–AD; Amendment 39–11715; AD 2000–09–06] (RIN: 2120–AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8257. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 Series Airplanes [Docket No. 99–NM–253–AD; Amendment 39–11720; AD 2000–08–11] (RIN: 2120–AA64) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8258. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Special Visual Flight Rules [Docket No. FAA–2000–7110; Amendment No. 91–262] (RIN: 2120–AG94) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8259. A communication from the President of the United States, transmitting notification of the designations of Stephen Koplan as Chair and Deanna Tanner Okun as Vice Chair of the United States International Trade Commission, effective June 17, 2000, pursuant to 19 U.S.C. 1330(c)(1); to the Committee on Ways and Means.

8260. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Delegation of Authority (99R–247P) [T.D. ATF–425] (RIN: 1512–AB98) received May 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8261. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Entry of Softwood Lumber Shipments From Canada [T.D. 00–36] (RIN: 1515–AC62) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8262. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Summary Forfeiture of Controlled Substances [TD 00–37] (RIN: 1515–AC60) received May 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8263. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—the Soley for Voting Stock Requirement in Certain Corporate Reorganizations [TD 8885] (RIN: 1545–AW55) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8264. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coal Exports [Notice 2000–28] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2001 (Rept. 106–683). Referred to the Committee of the Whole House on the State of the Union.

*[June 21 (legislative day of June 20, 2000)]*

Mr. SESSIONS: Committee on Rules. House Resolution 529. Resolution providing for consideration of the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and Sate, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–684). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 530. Resolution providing for consideration of the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–685). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan:

H.R. 4694. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to require that the size of the public debt be reduced during each fiscal year by the amount of the net surplus in the Social Security and Medicare trust funds at the end of that fiscal year; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM (for himself and Mrs. ROUKEMA):

H.R. 4695. A bill to enhance the ability of law enforcement to combat money laundering; to the Committee on the Judiciary, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas:

H.R. 4696. A bill to amend the Tariff Act of 1930 to modify the provisions relating to drawback claims, and for other purposes; to the Committee on Ways and Means.

By Mr. GEJDENSON (for himself, Mr. LANTOS, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. PAYNE, and Mr. ROTHMAN):

H.R. 4697. A bill to amend the Foreign Assistance Act of 1961 to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to promote transparency and increased accountability for all levels of government and throughout the private sector; to the Committee on International Relations.

By Mr. GREEN of Wisconsin:

H.R. 4698. A bill to amend the Congressional Budget Act of 1974 to authorize and direct the Director of the Congressional Budget Office to prepare estimates of the impact of proposed Federal agency rules affecting the private sector; to the Committee on the Budget.

By Mrs. LOWEY (for herself and Mrs. MCCARTHY of New York):

H.R. 4699. A bill to amend the Public Health Service Act to extend the program of research on breast cancer; to the Committee on Commerce.

By Ms. MCCARTHY of Missouri (for herself and Mr. MOORE):

H.R. 4700. A bill to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact; to the Committee on the Judiciary.

By Mr. ROYCE (for himself, Ms. LEE, Mr. GIBBONS, Mr. DREIER, Mr. LEWIS of California, Mr. THOMPSON of California, Mr. CALVERT, Ms. ROYBAL-ALLARD, Ms. BERKLEY, Ms. WOOLSEY, and Mr. BILBRAY):

H.R. 4701. A bill to amend the Federal Credit Union Act with respect to the definition of a member business loan; to the Committee on Banking and Financial Services.

By Mr. SESSIONS (for himself and Mr. CLEMENT):

H.R. 4702. A bill to amend title XVIII of the Social Security Act to provide for a special payment rate for Medicare-dependent psychiatric units furnishing services under the Medicare Program; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 4703. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Resources.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. MILLENDER-MCDONALD.

H.R. 460: Mrs. NAPOLITANO, Mr. GONZALEZ, Mr. TURNER, and Ms. JACKSON-LEE of Texas.

H.R. 488: Mr. SCARBOROUGH.

H.R. 531: Mr. CUMMINGS.

H.R. 534: Mrs. MINK of Hawaii and Mrs. KELLY.

H.R. 583: Ms. LEE.

H.R. 736: Mrs. FOWLER.

H.R. 765: Mr. BARRETT of Nebraska.

H.R. 828: Mr. ISAKSON and Mr. CAMP.

H.R. 860: Mr. BERMAN.

H.R. 919: Mr. RUSH and Mr. MOAKLEY.

H.R. 1168: Mr. BACA and Ms. BALDWIN.

H.R. 1217: Mr. MURTHA.

H.R. 1300: Mr. SMITH of New Jersey.

H.R. 1322: Mr. CUMMINGS, Mr. EHLERS, Mr. WELDON of Pennsylvania, Mr. BURR of North Carolina, MR. COOKSEY, and Mr. BARRETT of Nebraska.

H.R. 1367: Ms. LOFGREN.

H.R. 1546: Mr. UPTON.

H.R. 1590: Mrs. JONES of Ohio.

H.R. 1592: Mr. COBURN.

H.R. 1621: Mr. KANJORSKI.

H.R. 1644: Mr. UDALL of Colorado.

H.R. 1671: Mr. FALEOMAVAEGA.

H.R. 1684: Mr. NADLER.

H.R. 1816: Mr. PASCRELL.

H.R. 1885: Mr. CAPUANO and Mr. STENHOLM.

H.R. 1899: Mr. LEVIN and Mr. FATTAH.

H.R. 2059: Mr. COOK.

H.R. 2066: Mr. HUTCHINSON.

H.R. 2457: Mrs. TAUSCHER, Ms. ESHOO, Mr. MENENDEZ, Mr. BERMAN, Mr. STUPAK, Mr. UDALL of Colorado, Mr. MCGOVERN, Mr. BISHOP, and Mr. FORBES.

H.R. 2594: Mr. LANTOS.

H.R. 2631: Mr. HALL of Ohio and Mr. FRANK of Massachusetts.

H.R. 2633: Mrs. MYRICK and Mr. COOK.

H.R. 2697: Mr. BACA.

H.R. 2814: Mr. STUPAK.

H.R. 2870: Ms. MILLENDER-MCDONALD.

H.R. 2892: Mr. BOUCHER.

H.R. 2966: Mr. ROHRABACHER.

H.R. 2988: Mr. THORNBERRY.

H.R. 3032: Mr. FALEOMAVAEGA, Mr. BACA, Mr. BORSKI, and Mr. BONIOR.

H.R. 3113: Mr. CRAMER.

H.R. 3161: Mr. CAMPBELL.

H.R. 3193: Mr. DEMINT, Mrs. MALONEY of New York, Mr. MILLER of Florida, and Mr. MCNULTY.

H.R. 3241: Mr. SPRATT.

H.R. 3250: Mr. BLAGOJEVICH and Mr. RAHALL.

H.R. 3256: Mrs. MALONEY of New York.

H.R. 3308: Mr. SPRATT and Mrs. CAPPS.

H.R. 3485: Mr. DEUTSCH.

H.R. 3487: Mr. KLINK.

H.R. 3518: Mr. BLUNT.

H.R. 3580: Mr. WALDEN of Oregon, Mr. TANNER, Mr. WAXMAN, Mr. FOSSELLA, Mr. HOEKSTRA, and Mr. BACA.

H.R. 3593: Mr. HERGER.

H.R. 3806: Mrs. WILSON.

H.R. 3826: Ms. LEE and Ms. MILLENDER-MCDONALD.

H.R. 3840: Mr. FROST.

H.R. 3850: Mr. STRICKLAND.

H.R. 3859: Mr. HAYWORTH and Mr. THUNE.

H.R. 3998: Mrs. MALONEY of New York.

H.R. 4082: Mr. SISISKY and Mr. MOORE.

H.R. 4094: Mr. BRADY of Pennsylvania, Mr. DOOLEY of California, Mr. LIPINSKI, Mr. SPRATT, Ms. MILLENDER-MCDONALD, Mr. GONZALEZ, Mr. PASCRELL, Mr. KANJORSKI, Mr. CRAMER, Mr. BOSWELL, Mr. PHELPS, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, and Ms. DANNER.

H.R. 4106: Mr. WATKINS.

H.R. 4213: Mrs. BONO, Mr. SMITH of Washington, Mr. KUYKENDALL, and Mr. TALENT.

H.R. 4215: Mr. SHOWS and Mr. ISAKSON.

H.R. 4219: Mr. ENGLISH, Mr. MCNULTY, Ms. VELÁZQUEZ, Ms. DELAURO, Mr. KUYKENDALL, and Mr. MEEKS of New York.

H.R. 4239: Mr. GORDON.

H.R. 4245: Mr. NORWOOD and Mr. BLILEY.

H.R. 4271: Mr. BARTLETT of Maryland and Mr. WELDON of Pennsylvania.

H.R. 4272: Mr. BARTLETT of Maryland and Mr. WELDON of Pennsylvania.

H.R. 4273: Mr. BARTLETT of Maryland and Mr. WELDON of Pennsylvania.

H.R. 4277: Mr. SMITH of Texas, Mr. SAXTON, and Mr. FRANK of Massachusetts.

H.R. 4278: Mr. HILLIARD and Mr. BOUCHER.

H.R. 4311: Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, Mr. CAPUANO, Mr. WEINER, Mr. ABERCROMBIE, Mr. PASTOR, Mr. KUCINICH, Mr. DAVIS of Illinois, Mr. BAIRD, Mrs. MEEK of Florida, Mr. BARCIA, Ms. SLAUGHTER, Mr. GONZALEZ, Mr. RANGEL, Ms. MCCARTHY of Missouri, Mr. GREEN of Texas, Ms. ROYBAL-ALLARD, Ms. DELAURO, and Mr. HOYER.

H.R. 4393: Mr. MOORE and Mr. KUYKENDALL.

H.R. 4481: Mr. RAHALL, Mr. SOUDER, Mr. WAXMAN, and Mr. SHIMKUS.

H.R. 4483: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MCNULTY.

H.R. 4503: Mr. ETHERIDGE.

H.R. 4543: Mr. MATSUI and Mr. HAYWORTH.

H.R. 4552: Mr. CAMP.

H.R. 4566: Ms. KILPATRICK, Mr. COSTELLO, Mr. KANJORSKI, Ms. NORTON, Ms. KAPTOR, and Mr. OBERSTAR.

H.R. 4590: Ms. WATERS.

H.R. 4621: Mrs. BIGGERT.

H.R. 4652: Mr. SENSENBRENNER.

H.R. 4659: Mr. MCINNIS and Mr. PAYNE.

H.R. 4660: Mr. BILBRAY, Mr. STUMP, Mr. HANSEN, and Mr. HILLEARY.

H.R. 4680: Mr. KUYKENDALL and Mr. MARTINEZ.

H.R. 4687: Mr. FATTAH, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. FORD, Mr. OWENS, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.J. Res. 56: Mr. WELDON of Pennsylvania.

H.J. Res. 102: Mr. BAKER, Mr. KINGSTON, Ms. WOOLSEY, and Ms. PRYCE of Ohio.

H. Con. Res. 62: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 177: Mr. MOORE.

H. Con. Res. 225: Mr. BONIOR.

H. Con. Res. 275: Ms. MCCARTHY of Missouri and Mr. BONIOR.

H. Con. Res. 307: Mr. TALENT and Mr. FRELINGHUYSEN.

H. Con. Res. 308: Mr. MCKEON.

H. Res. 458: Mr. KOLBE, Mr. GONZALEZ, Mrs. CAPPS, Mr. ROMERO-BARCELÓ, Mrs. MORELLA, Mr. HORN, Mr. HINCHEY, Ms. KILPATRICK, Mr. KNOLLENBERG, Mr. LEVIN, and Mr. PHELPS.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 31: Page 48, after line 25, insert the following:

NATIONAL RURAL DEVELOPMENT PARTNERSHIP

For the National Rural Development Partnership established in the Department of Agriculture, $5,000,000, to remain available until expended.

H.R. 4635

OFFERED BY: MR. BERRY

AMENDMENT NO. 44: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act may be used to implement any rule, regulation, or administrative directive on effluent limitations relating to aquaculture, including but not limited to rules, regulations or administrative directives which require disclosure of financial information to the Environmental Protection Agency or any other Federal department or agency.

H.R. 4635

OFFERED BY: MR. BERRY

AMENDMENT NO. 45: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act may be used to implement any rule, regulation, or administrative directive on effluent limitations relating to aquaculture that requires disclosure of financial

information to the Environmental Protection Agency or any other Federal department or agency.

H.R. 4635

OFFERED BY: MS. BROWN OF FLORIDA

AMENDMENT NO. 46: Page 30, line 20, after the dollar amount, insert the following: ''(increased by $395,000,000)''.

Page 30, line 21, after the dollar amount, insert the following: ''(increased by $395,000,000)''.

H.R. 4635

OFFERED BY: MR. EDWARDS

AMENDMENT NO. 47: At the end of the bill (before the short title), insert the following new section:

SEC. ____. (a) The amount provided in title I for ''VETERANS HEALTH ADMINISTRATION—Medical Care'' is hereby increased by $500,000,000, and the amount provided in title I for ''VETERANS HEALTH ADMINISTRATION—Medical and Prosthetic Research'' is hereby increased by $65,000,000.

(b) Any reduction for a taxable year beginning before January 1, 2003, in the rate of tax on estates under the Internal Revenue Code of 1986 that is enacted during 2000 shall not apply to a taxable estate in excess of $20,000,000.

H.R. 4635

OFFERED BY: MR. ROEMER

AMENDMENT NO. 48: Page 73, line 3, after the dollar amount insert the following: ''(reduced by $2,100,000,000) (increased by $300,000,000)''.

Page 73, line 18, after the dollar amount insert the following: ''(increased by $290,000,000) (increased by $20,000,000) (increased by $6,000,000) (increased by $49,000,000)''.

Page 77, line 1, after the dollar amount insert the following: ''(increased by $405,000,000)''.

Page 77, line 22, after the dollar amount insert the following: ''(increased by $62,000,000)''.

Page 78, line 5, after the dollar amount insert the following: ''(increased by $34,700,000)''.

Page 78, line 21, after the dollar amount insert the following: ''(increased by $5,900,000)''.

H.R. 4690

OFFERED BY: MR. ALLEN

Page 72, line 3, before the period insert ''; *Provided further*, That not to exceed $1,000,000 may be available for diplomatic activities designed to encourage North Korea to terminate its ballistic missile program''.

H.R. 4690

OFFERED BY: MR. CAPUANO

AMENDMENT NO. 3: Page 107, after line 12, insert the following new section:

SEC. 624. (a) Within 60 days after the date of enactment of this Act, the Common Carrier Bureau of the Federal Communications Commission shall conduct a study on the area code crisis in the United States. Such study shall examine the causes and potential solutions to the growing number of area codes in the United States, including the following:

(1) Shortening the lengthy timeline for implementation of the Federal Communications Commission's recent order mandating 1,000 number block pooling.

(2) Repealing the wireless carrier exemption from the Federal Communications Commission's 1,000 number block pooling order.

(3) The issue of rate center consolidation and possible steps the Commission can take to encourage or require States or telecommunications companies, or both, to undertake plans to deal with this issue.

(4) The feasibility of technology-specific area codes reserved for wireless or paging services or data phone lines.

(5) Strengthening the sanctions against telecommunications companies that do not address number use issues.

(6) The possibility of single number block pooling as a potential solution to the area code crisis.

(7) The costs and technological issues surrounding adding an additional digit to existing phone numbers and potential ways to minimize the impact on consumers.

(b) Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall submit to the Congress a report on the results of the study required by subsection (a).

H.R. 4690

OFFERED BY: MR. LARGENT

AMENDMENT NO. 4: Page 2, line 9, after ''expended'' insert '', and of which $5,000,000 shall be expended by the Criminal Division, Child Exploitation and Obscenity Section, for the hiring and training of staff, travel, and other necessary expenses, to prosecute obscenity cases, including those arising under chapter 71 of title 18, United States Code''.

H.R. 4690

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 5: Page 32, line 14, after the dollar amount, insert the following: ''(increased by $150,000,000)''.

Page 33, line 2, before the comma, insert the following: ''$150,000,000 shall be for the State and Local Gun Prosecutors program, for discretionary grants to State, local, and tribal jurisdictions and prosecutors' offices to hire up to 1,000 prosecutors to work on gun-related cases.''

H.R. 4690

(En Bloc Amendments)

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 6: Page 40, line 7, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

Page 45, line 8, after the dollar amount, insert the following: ''(increased by $5,000,000)''.

Page 45, line 19, after ''activities;'', insert the following: ''of which $5,000,000 is for activities related to the planning of a census of Americans abroad, to be taken by December 31, 2003;''.

H.R. 4690

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 7: In title I, in the item relating to ''GENERAL ADMINISTRATION—TELECOMMUNICATIONS CARRIER COMPLIANCE FUND'', after the dollar amount insert ''(reduced by $4,479,000)''.

In title V, in the item relating to ''SMALL BUSINESS ADMINISTRATION—SALARIES AND EXPENSES'', after the second dollar amount insert ''(increased by $4,479,000)''.

H.R. 4690

OFFERED BY: MR. OXLEY

AMENDMENT NO. 8: Page 89, line 22, insert before the period the following: '': *Provided further*, That none of the funds made available in this Act may be used to implement or enforce the Federal Communications Commission's report and order entitled 'In the Matter of Creation of Low Power Radio Service' (MM Docket No. 99–25, FCC 00–19), adopted January 20, 2000, or to issue any license or permit pursuant to such report and order.''.

H.R. 4690

OFFERED BY: MR. RUSH.

AMENDMENT NO. 9: In title I, in the item relating to ''FEDERAL BUREAU OF INVESTIGATION—SALARIES AND EXPENSES'', after the aggregate dollar amount, insert the following: ''(reduced by $8,500,000)''.

In title I, in the item relating to ''OFFICE OF JUSTICE PROGRAMS—WEED AND SEED PROGRAM FUND'', after the aggregate dollar amount, insert the following: ''(increased by $8,500,000)''.

H.R. 4690

OFFERED BY: MR. RUSH

AMENDMENT NO. 10: In title I, in the item relating to ''FEDERAL BUREAU OF INVESTIGATION—SALARIES AND EXPENSES'', after the aggregate dollar amount, insert the following: ''(reduced by $5,000,000)''.

In title I, in the item relating to ''COMMUNITY ORIENTED POLICING SERVICES'', after the 1st and 6th dollar amounts, insert the following: ''(increased by $5,000,000)''.

H.R. 4690

OFFERED BY: MR. RUSH

AMENDMENT NO. 11: At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL APPROPRIATIONS

Small Business Administration

PROGRAM FOR INVESTMENT IN MICROENTREPRENEURS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the PRIME Act (as added by section 725 of the Gramm-Leach Bliley Act (Pub. L. 106–102)), to be derived by transfer from the aggregate amount provided in this Act under the heading ''National Oceanic And Atmospheric Administration—Operations, Research, and Facilities'' (and the amount specified under such heading for the National Weather Service), $15,000,000.

H.R. 4690

OFFERED BY: MR. WEINER

AMENDMENT NO. 12: Beginning on page 32, strike line 11 and all that follows through page 33, line 14, and insert the following:

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act''), $1,335,000,000, to remain available until expended: *Provided*, That the Attorney General may transfer any of these funds, and balances for programs funded under this heading in fiscal year 2000, to the ''State and Local Law Enforcement Assistance'' account, to be available for the purposes stated under this heading: *Provided further*, That administrative expenses associated with such transferred amounts may be transferred to the ''Justice Assistance'' account. Of the amounts provided:

(1) for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, $650,000,000 as follows: not to exceed $36,000,000 for program management and administration; $20,000,000 for programs to combat violence in schools; $25,000,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; $17,000,000 for program support for the Court Services and Offender Supervision Agency for the District of Columbia; $45,000,000 to improve tribal law enforcement including equipment and training; $20,000,000 for National Police Officer Scholarships; and

$30,000,000 for Police Corps education, training, and service under sections 200101–200113 of the 1994 Act;

(2) for crime-fighting technology, $350,000,000 as follows: $70,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601; $15,000,000 for State and local forensic labs to reduce their convicted offender DNA sample backlog; $35,000,000 for State, Tribal and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, as well as improvements to State, Tribal and local forensic laboratory general forensic science capabilities; $10,000,000 for the National Institute of Justice Law Enforcement and Corrections Technology Centers; $5,000,000 for DNA technology research and development; $10,000,000 for research, technical assistance, evaluation, grants, and other expenses to utilize and improve crime-solving, data sharing, and crime-forecasting technologies; $6,000,000 to establish regional forensic computer labs; and $199,000,000 for discretionary grants, including planning grants, to States under section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which up to $99,000,000 is for grants to law enforcement agencies, and of which not more than 23 percent may be used for salaries, administrative expenses, technical assistance, training, and evaluation;

(3) for a Community Prosecution Program, $200,000,000, of which $150,000,000 shall be for grants to States and units of local government to address gun violence ''hot spots'';

(4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, $135,000,000 as follows: $35,000,000 for a youth and school safety program; $5,000,000 for citizens academies and One America race dialogues; $35,000,000 for an offender re-entry program; $25,000,000 for a Building Blocks Program, including $10,000,000 for the Strategic Approaches to Community Safety Initiative; $20,000,000 for police integrity and hate crimes training; $5,000,000 for police recruitment; and $10,000,000 for police gun destruction grants (Department of Justice Appropriations Act, 2000, as enacted by section 1000(a)(1) of the Consolidated Appropriations Act, 2000 (Public Law 106–113)).

# EXTENSIONS OF REMARKS

## APPRECIATION OF WAL-MART'S CONTRIBUTIONS TO THE NATIONAL WORLD WAR II MEMORIAL

### HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. HUTCHINSON. Mr. Speaker, I recently stood on our National Mall between the Lincoln Memorial and the Washington Monument, near the site of the planned memorial to honor our World War II veterans. I was delighted to join Senator Dole and others at the site, and I rise today to thank Wal-Mart Stores, Inc. and its thousands of associates for their contributions to the memorial.

Wal-Mart has raised $14.5 million for the World War II Memorial, the largest single contribution to the memorial. Store employees from across the country mounted a nine month grassroots fundraising drive to raise $9 million in funds, which the Wal-Mart Foundation partially matched.

The World War II Memorial will be a fitting tribute to our country's noble generation which defeated nazism, preserved freedom, and taught us all what sacrifice really means. On behalf of the Third Congressional District of Arkansas, I would like to thank Wal-Mart employees and all those who have worked to so honor our veterans.

## HONORING LARRY CALLOWAY

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. UDALL of New Mexico. Mr. Speaker, I rise to call to the attention of the House the retirement of a leading journalist and commentator for the State of New Mexico. Larry Calloway, who stepped down this month from his regular column at the Albuquerque Journal, will be missed by thousands of readers who were faithful followers of his thrice-weekly column. His refreshing and anecdotal comments, which covered civic activities and politics, were always immensely interesting and entertaining. His remarkable contributions to the people of New Mexico cannot be understated. Thank you, Larry, and best wishes in your new endeavors.

[From the Albuquerque (NM) Journal, April 1999]

Columnist Larry Calloway, with great suspicion, has covered about 25 regular sessions of the New Mexico Legislature and an alarming number of political campaigns. His column appears like clockwork, Sundays, Tuesdays and Thursdays, on the Editorial page. An outsider, he loves New Mexico and its diverse people but has not fallen in love with its politicians.

He had a promising Western wire service career going when he arrived in Santa Fe from Denver in a used 1962 Ford Fairlane junker with all his possessions in the back. He had already worked for United Press International at news bureaus in Helena, Montana, Salt Lake City and Denver, with brief temporary assignments in San Francisco and Topeka, Kansas. New Mexico ended his travels. He stuck, got married and began raising a family of two daughters.

His first in-depth experience with New Mexico politics was the Rio Arriba County courthouse raid on June 5, 1967. He was tied up, pushed around, paraded through Tierra Amarilla, threatened with hanging and shot at. He escaped at a State Police roadblock and wondered, ''Was it something I wrote?''

It has been that way ever since. Calloway has been reviled by Democrats for his ''monkey speech'' story that contributed to the defeat of U.S. Sen. Joseph M. Montoya. He has been denounced by both the regulators and the regulated for revelations about things like monopoly bus companies. He has been excoriated in letters to the editor by activists, candidates, lobbyists and governors for discussions of things like real estate deals, political hiring and no-bid contracts. He has been castigated frequently by legislators in open sessions of both houses.

Before all that, Calloway was born innocent in Wyoming and raised in Colorado. He was educated in the Denver public Schools, at the University of Colorado-Boulder (BA, philosophy of science) and at Stanford University (professional journalism fellowship). He has worked and traveled in Asia.

Calloway was with The Associated Press in Santa Fe through the 1970s and joined the Journal in 1980 as the founding editor of Journal North. Politically, he prefers to describe himself only as ''journalist,'' meaning that he looks for the truth behind the cliches and ideologies and tries to write it. He has written a book of fiction, ''Guide to the San Juans,'' and is writing a book of nonfiction on his lengthy visit to New Mexico, something that probably will have ''outsider'' in the title.

## HONORING PETER J. LIACOURAS UPON HIS RETIREMENT

### HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. BORSKI. Mr. Speaker, I rise today to honor President Peter J. Liacouras, who is retiring after an unprecedented 18 years at the helm of Temple University.

President Liacouras has been called "a man who reminisces about the future." Under his guidance, Temple University has achieved national prominence as a model public research university in a central-city setting, with suburban and international locations and programs.

A Temple professor of law for nearly four decades, and a former Dean of Temple's Law School, Mr. Liacouras has presided since 1982 over an institution with a distinguished faculty, including some 29,000 students on seven campuses in the Philadelphia region which encompasses successful campuses in Rome and Tokyo. Temple has 16,000 full-time and part-time employees, a renowned Health Sciences Center and Temple University Health System, 200,000 alumnae and alumni in 92 nations around the world, and 16 schools and colleges, offering bachelor's degrees in 135 areas, master's in 82 fields, and doctoral degrees in 49 areas.

President Liacouras's career has been characterized by six constants: continuous pursuit of excellence; (2) opening of universities and professions to persons from historically underrepresented groups; (3) a hard-nosed commitment to fiscal responsibility; (4) leadership from historically underrepresented groups; (3) a hard-nosed commitment to fiscal responsibility; (4) leadership in effectuating change; (5) far-reaching academic improvements in the institution, with close and respectful collaboration with neighbors; and (6) the view that the human condition is universal, and education should be viewed simultaneously in the prism of the world and the local neighborhood.

The son of Greek immigrants, Mr. Liacouras, as Dean of Temple Law School, became a national leader in developing model programs of university and community cooperation, as well as fair and sensible admissions policies for professional schools.

Under Mr. Liacouras, Temple's objectives have included: revitalizing its Main Campus, which, as a result, is providing the spark for the first tangible renewal of a long-neglected section of the City of Philadelphia; strengthening undergraduate, graduate, and professional education in the region, nation, and world; restructuring Temple's schools and college to meet the needs of students and to recognize the rapidly changing environment of higher education; using Temple's resources to improve urban public education; strengthening the University's research mission; providing and expanding health care for all citizens, regardless of ability to pay; building better community relations.

Mr. Speaker, Peter J. Liacouras should be commended for his extraordinary leadership and integrity as the steward of one of our great public institutions of higher learning, Temple University.

## RECOGNIZING THE BUCKET BRIGADE

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize all those who participate in Bucket Brigade in Alton, Illinois. Bucket Brigade is a group of people who simply give of themselves by painting the homes of senior citizens who desperately need it.

It is just another example of citizens who want to make a difference in their community and in the lives of others. Their desire to serve is one that should not go unnoticed.

I want to take this opportunity to thank all the people who give of themselves by participating in the Bucket Brigade. I am proud of them, and am grateful for their kindness, compassion, and concern that they have shown, and will continue to show to those in need.

## HONORING REVEREND MAURICE ROBERTS

### HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. HUTCHINSON. Mr. Speaker, I rise today to congratulate Reverend Maurice Roberts for being honored as the National Veterans Administration's Chaplain of the Month for May 2000.

Reverend Roberts is currently the Chief of Chaplain Service at the VA Medical Center in Fayetteville, Arkansas, and is the first chaplain at that center to be selected for this honor. He has given his life in service to his country, first with over twenty years as a Navy chaplain, and then as a VA chaplain to retired servicemen and women. In addition to his dedicated service, his faith has truly been an example to thousands of sailors and veterans, and his sacrificial nature has comforted and blessed each life he has touched.

Mr. Speaker, on behalf of the citizens of Arkansas, I wish to congratulate Reverend Roberts on this honor and thank him for his life of faith and service to our great nation.

## TRIBUTE TO LYNN McDOUGAL

### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. HUNTER. Mr. Speaker, I rise today to honor and thank one of my constituents, Mr. Lynn McDougal, for his many year of dedicated service to the people of San Diego East County. Lynn will shortly be retiring after 32 years as the City Attorney of the City of El Cajon. He has also represented many other government agencies including the cities of Carlsbad, Coronado, Del Mar, El Centro, Imperial Beach, Poway, Alpine Union School District, San Marcos Unified School District and the El Cajon Redevelopment Agency.

Lynn McDougal came from modest beginnings in Atwood, Kansas. His father was a bowling alley owner and his mother a teacher. After attending the University of Kansas on a Naval Scholarship, McDougal spent three years of active duty, followed by 14 years in the Naval Reserve, attaining the rank of Lt. Commander. At his father's suggestion, he enrolled in law school at the University of Colorado, graduating in 1959. A few years later, he moved west and settled in El Cajon.

Lynn is a member of the State Bar of California, the Colorado Bar Association and the San Diego County Bar Association. He is admitted to practice before the U.S. Supreme Court. He is the Founder and Past President of the San Diego and Imperial County City Attorney's Association. He has served as Second Vice President, First Vice President and the President of the City Attorney's Department of the League of California Cities. He is Past President and a member of the Foothills Bar Association.

Lynn has had a distinguished career in the area of law, but perhaps more importantly, he has dedicated his life in service to others in various other ways as well. This was recognized when he received the El Cajon Chamber of Commerce Citizen of the Year Award in 1974. Lynn has been a member of the Board of Directors of the Boys and Girls Club of El Cajon and served as a member of the Board of the Boys and Girls Club Foundation. He exemplified the Rotary motto of ''Service Above Self,'' as the President of the Rotary Club of El Cajon and being a charter member of both the El Cajon Historical Society and the El Cajon Sister City Association. The latter organization works to improve relations between the people and City of El Cajon and several foreign cities.

Through his endeavors, Lynn has had the support of his lovely wife Anne. He has a son, Tim, and a daughter, Kyle, and has five wonderful grandchildren.

It is people like Lynn McDougal, with his commitment to his nation, his family and his community, that makes the United States the great country that it is. I congratulate him and honor him on his retirement as the City Attorney of El Cajon.

## PERSONAL EXPLANATION

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. GUTIERREZ. Mr. Speaker, last week I was unavoidably absent from this chamber when the following roll call votes were taken, roll call vote 256 and roll call vote 291. I want the record to show that had I been present in this chamber I would have voted ''yea'' on roll call vote 256 and ''no'' on roll call vote 291.

## RECOGNIZING RECIPIENTS OF THE JEFFERSON COUNTY AFRICAN-AMERICAN HERITAGE AWARDS

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize five residents of Jefferson County, Illinois who have been named the recipients of the Jefferson County African-American Heritage Awards. The winners are John Kendrick, Rev. James Gordon, Mary Ellen Frutransky, Tena Mitchell, and Camille Jones.

These individuals were all selected for their community activism. Their commitment to their community and desire to make a difference make them the very deserving honorees.

It takes people like them to make our communities the best possible. I want to thank them for their dedication to changing, leading, and guiding their community into the future. We are truly indebted to them.

## HONORING ''WE THE PEOPLE'' CONTESTANTS

### HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. HUTCHINSON. Mr. Speaker, I rise to congratulate Mountain Home Junior High School and its participants in the ''We the People. . .The Citizen and the Constitution'' national finals.

I am pleased to recognize the class from Mountain Home Junior High School who represented Arkansas in the national competition. The outstanding young people who participated are: Matthew Brinza, T.C. Burnett, Patrick Carter, Cody Garrison, Meredith Griffin, Kayla Hawthorne, Delia Lee, Megan Matty Zachary Millholland, Stacy Miller, Jennifer Nassimbene, Rebaca Neis, Patty Schwartz, Carrie Toole, and Kris Zibert. The class is coached by Patsy Ramsey.

''We the People. . .The Citizen and the Constitution'' is the nation's most extensive program dedicated to educating young people about our Constitution. Over 26 million students participate in the program, administered by the Center for Civic Education. The national finals, which includes representatives from every state, simulates a congressional hearing in which students testify as constitutional experts before a panel of judges.

I had the opportunity to meet with the talented group of students from Mountain Home when they were in Washington, and I came away encouraged by their interest in our Constitution and our government. Each bright student represented the Third District of Arkansas well, and I wish them all the best in their future academic pursuits.

PERSONAL EXPLANATION

## HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. BILBRAY. Mr. Speaker, on rollcall No. 293 due to airplane delays, I was unable to vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

## HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Ms. HOOLEY of Oregon. Mr. Speaker, on Thursday, June 15, I was unavoidably detained and forced to miss several votes.

If present, I would have voted "no" on agreeing to Rep. STEARN's amendment to H.R. 4578 (Vote 282).

If present, I would have voted "yes" on agreeing to Rep. SLAUGHTER's amendment to H.R. 4578 (Vote 283).

If present, I would have voted "yes" on the motion that the Committee rise on H.R. 4578 (Vote 284).

If present, I would have voted "yes" on the quorum call for H.R. 4578 (Vote 285).

If present, I would have voted "yes" on agreeing to Rep. SANDER's amendment to H.R. 4578 (Vote 286).

If present, I would have voted "yes" on the motion that the Committee rise on H.R. 4578 (Vote 287).

If present, I would have voted "no" on agreeing to Rep. NETHERCUTT's amendment to H.R. 4578 (Vote 288).

If present, I would have voted "no" on agreeing to Rep. WELDON's amendment to H.R. 4578 (Vote 289).

If present, I would have voted "yes" on the motion to recommit H.R. 4578 with instructions to the Committee (Vote 290).

If present, I would have voted "no" on the final passage of H.R. 4578 (Vote 291).

HONORING BRIGADIER GENERAL DANIEL G. MONGEON UPON HIS RETIREMENT

## HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. BORSKI. Mr. Speaker, I rise today in honor of Brigadier General Daniel G. Mongeon, in recognition of all of his years and dedication to the U.S. Army.

Army Brigadier General Daniel Mongeon is the second Commander of Defense Supply Center Philadelphia, a position that he assumed on July 31, 1998.

General Mongeon received his commission as a Second Lieutenant upon graduation from the University of Arizona in 1972. He was then assigned to the U.S. Army's Security Agency Communications unit in Japan, serving as the S4/Logistics Officer and later as the Executive Officer.

In 1976 General Mongeon was assigned to the 4th Infantry Division in Fort Carson, Colorado. There he served time as the Division Property Officer, and commanded the HHC Division Support Command.

General Mongeon accepted another challenge; the pursuit of an MBA. He completed his studies and received a master's degree in business administration from the University of Arkansas in January 1981. He was then assigned to the Army Staff at the Pentagon, where he served until June 1984. While there, he served in numerous positions including Military Assistant to the Deputy of Staff for Logistics.

After graduating from the Command General Staff College in 1985, he was assigned to the 3rd Infantry Division in Germany. General Mongeon served as S3 and later as Executive Officer of the 203rd Forward Support Battalion, completing his tour as the Division Deputy G4. In January he was selected as Aide-de-Camp to General John R. Galvin, Commander in Chief, U.S. European Command, and Supreme Allied Commander, Europe at SHAPE Belgium.

In 1990 he assumed command of the Support Squadron, 3rd Armored Cavalry Regiment, Fort Bliss, Texas. During his command, the Support Squadron deployed to Saudi Arabia for participation in Operations Desert Shield/Storm. After completing his command in May 1992, he attended the Army War College, Carlisle Barracks, Pennsylvania, graduating in June 1993.

In 1993, he assumed command of the 41st Area Support Group, United States Army South, Panama. After completing his command in 1995, he was assigned to the Joint Staff at the Pentagon where he assumed duties as Deputy Director for Logistics Readiness and Requirements, J–4. Prior to his current assignment at DSCP, he was the Executive Officer to the Director of Logistics J–4, the Joint Staff, Washington, DC.

His awards and decorations include: the Defense Superior Service Medal, the Legion of Merit with one oak leaf cluster, the Bronze Star, the Defense Meritorious Service Medal with two oak leaf clusters; the Army Commendation Medal with one oak leaf cluster, the Army Achievement Medal with one oak leaf cluster, the National Defense Service Medal with Bronze Star, the Southwest Asia Service Medal; the Humanitarian Service Medal, and the Kuwait Liberation Medal. He was also awarded the Army Staff and Joint Staff Identification Badges.

Mr. Speaker, Brigadier General Daniel G. Mongeon should be commended for his complete dedication for so many years to the U.S. Army. I congratulate and highly revere General Mongeon upon his retirement, and offer him my very best wishes for the coming years.

IN HONOR OF J.E. DUNLAP

## HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. HUTCHINSON. Mr. Speaker, I rise today to congratulate J.E. Dunlap, publisher of the Harrison Daily Times of Harrison, Arkansas, who has recently been honored with the Ernie Deane Award.

For 57 years, J.E. has been a fixture in the Harrison community, first as a writer, then as publisher and owner of the Harrison Daily Times. He built a small paper into one that is now a voice for the entire region. Even after selling the newspaper, his regular column appears in print four times weekly.

Ernie Deane, for whom the award was named, was a longtime columnist for the Arkansas Gazette, as well as a journalism teacher at the University of Arkansas. Like Deane, J.E. Dunlap has devoted his life to the people and communities of Arkansas.

Mr. Speaker, on behalf of the state of Arkansas, I would like to congratulate J.E. on this honor. He has represented his profession and the state of Arkansas well, and I look forward to the day when aspiring journalists vie for the "J.E. Dunlap Award" in journalism.

RECOGNIZING DEBBIE SNELLGROVE OF WARNER ROBINS, GA, FOR RECEIVING THE 2000 LIBERTY BELL AWARD

## HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. CHAMBLISS. Mr. Speaker, I would like to honor an exceptional citizen from Georgia's 8th Congressional District, Debbie Snellgrove of Warner Robins, recipient of the 2000 Liberty Bell Award.

Each year, the Houston County Bar presents the Liberty Bell Award to one non-lawyer who makes a significant contribution to the legal profession. As a long time court employee, Debbie is highly deserving of this award. Debbie has been working as a state court administrator in Warner Robins for four years. Her previous professional experience includes serving as secretary to Judge Buster McConnell and secretary to Steve Pace in the Houston County District Attorney's office. As a loyal member of her community, Debbie has been involved with the Houston County domestic violence program, the victims assistance program, and the American Heart Association.

In addition, Debbie took time out of her busy schedule to assist my office with arrangements for my Town Hall Meeting in Warner Robins this past April. I am pleased to say that this town hall meeting was a success, but would not have been without Debbie's assistance.

Mr. Speaker, I am proud to recognize Debbie Snellgrove for her dedicated and service to Houston County and to the legal system of Warner Robins. She is an extraordinary citizen, and I am proud to serve as her Representative in the People's house.

## CHRISTIANS IN INDIA SEEK INTERNATIONAL HELP

### HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. DOOLITTLE. Mr. Speaker, Newsroom.org, a website devoted to religious news from around the world, reported on June 15 that Christian leaders in India have appealed for help from abroad.

The Christian leaders of India, including the United Forum of Catholics and Protestants of West Begal, wrote to the Secretary General of the United Nations complaining that the Indian government and police have ignored the wave of terror against Christians since Christmas 1998. They have also requested help from Amnesty International in stopping these atrocities.

"We are scared," said Herod Malik, the leader of the United Forum. "We have to go to international organizations because we have no faith in the Indian government." Just a few days ago Hindu nationalist militants murdered a priest and placed five bombs in four churches. Some Christians who were peacefully distributing Bibles and Christian religious literature were savagely beaten, one so badly that he may lose his arms and legs. These are just the most recent incidents.

Unfortunately, Mr. Speaker, it is not just Christians who are suffering atrocities and persecution. Sikhs, Muslims, Dalits, and others are oppressed in a similar fashion, although Christians seem to be the primary targets at the moment.

We can help these people to live in freedom and in the assurance that their rights will finally be respected. If Indian promotes terror against its religious and ethnic minorities, it is not a country that the United States should be supporting. Cutting off its aid is one message it would understand loudly and clearly. We should also declare our support for self-determination through an internationally-supervised plebiscite on the future of political status of Christian Nagaland, of the Sikh homeland, Khalistan, Kashmir, and other nations of Indian. Remember that the people of Kashmir were promised a plebiscite in 1948 and it has never been held. It is time for the United States and the international community to hold India's feet to the fire.

Mr. Speaker, I submit the Newsroom.com article of June 15 into the RECORD for the information of my colleagues.

[From Newsroom.com, June 15, 2000]

CHRISTIANS IN INDIA SEEK HELP FROM ABROAD

A wave of church bombings and murders of clergy has prompted Christian leaders in India to appeal for international help, according to Catholic World News. The United Forum of Catholics and Protestants of West Bengal claimed Tuesday that the Indian government and police have ignored their pleas and have insisted the attacks are random crimes.

The Christian leaders said they have written to the secretary general of the United Nations and also are appealing to the human rights group Amnesty International. "We are scared. We have to go to international organizations because we have no faith in the Indian government," said Herod Malik, the head of the United Forum.

The leaders said that unless international groups pressure the Indian government to protect Christians from Hindu fundamentalists, the "atrocities will increase."

Bombs exploded in four churches in the southern Indian states of Andhra Pradesh, Karnataka, and Goa on June 8, injuring at least one person. The blasts occurred the day after a Roman Catholic priest was murdered in the Mathura district of Uttar Pradesh in northern India.

The nation's governing Bharatiya Janata Party (BJP) blamed the four church bombings on Pakistani intelligence "out to give Hindu organizations a bad name." Opposition parties, however, assert that the bombings are the work of the Sangh Parivar, the extended family of Hindu organizations.

Prime Minister Atal Behari Vajpayee promised a delegation of Christian leaders on Monday that his government would investigate the incidents fully.

Christians charge that the Hindu nationlist Rashtriya Swayamsevak Sangh (RSS), considered the ideological parent of the BJP, have engaged in a campaign against Christians since the BJP came to power two years ago. The New Delhi-based United Christian Forum for Human Rights says that in the past year it has documented 120 attacks by Hindu fundamentalists against Christian individuals, churches, and schools.

Indian government officials deny having any influence on the aggression. CWN said a senior interior ministry official, speaking on condition of anonymity, insisted the Christian community had nothing to fear and the government was taking steps to prevent such attacks.

## PERSONAL EXPLANATION

### HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Ms. HOOLEY of Oregon. Mr. Speaker, on Monday, June 19, I was unavoidably detained and forced to miss two votes.

If present, I would have voted "yes" on the motion that the Committee rise on H.R. 4635 (Vote 292).

If present, I would have voted "yes" on agreeing to Mr. Waxman's amendment to H.R. 4635 (Vote 292).

## HONOR OF THE WOMAN'S BOOK CLUB OF HARRISON, ARKANSAS

### HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. HUTCHINSON. Mr. Speaker, I rise today in honor of the Woman's Book Club of Harrison, Arkansas. This month marks the one-hundred-year anniversary of the club's founding.

On June 25, 1900, twelve women in Harrison, Arkansas, founded a small book club, each contributing a single book. Soon after, a small library, consisting of a few shelves in the back of a newspaper office opened to members on Saturday afternoons. From these humble beginnings, the Woman's Book Club opened the first public library in north central Arkansas in 1903.

With support from the Woman's Book Club, the Harrison Public Library continued to grow and expand, moving several times to keep up with the demand for library services. In 1944, it became one of the first regional libraries in Arkansas and today contains over 58,000 volumes.

Mr. Speaker, the Woman's Book Club of Harrison is one of the largest private civic contributors to education and good works in my state. Over the past century, thousands who might not otherwise have had the opportunity to learn have been touched by its work. On behalf of all Arkansans, I would like to commend each of the many women who have been involved in the Harrison club. I look forward to another century of service.

## IN RECOGNITION OF SHELBY MEMORIAL HOSPITAL

### HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. PHELPS. Mr. Speaker, today I rise to congratulate one of my district's hospitals. For the second year in a row Shelby Memorial Hospital in Shelbyville, IL, has been recognized by the HCIA and the Health Network as being one of the top 100 facilities in the nation for clinical excellence and efficiency.

Each year the HCIA and the Health Network compare hospitals across the nation in search of hospitals that focus on clinical excellence and efficient delivery of care. The study places hospitals into categories by size. Shelby Memorial Hospital fits into the category for small hospitals, consisting of 25–99 acute care beds in service. The HCIA and Health Network based their study on quality of care, efficiency of operations, and sustainability of overall performance. They ranked 1266 small hospitals based on: risk adjusted mortality index; risk adjusted complications index; severity adjusted average length of stay; expense per adjusted discharge, case mix, and wage adjusted; profitability (cash flow margin); proportion of outpatient revenue; index of total facility occupancy; and productivity (total asset turnover rate). The scores are then computed, and the results are then published in Modem Healthcare Magazine. The top 100 hospitals stand out above the rest by having superior care at lower costs.

According to CEO John Bennett, Shelby Memorial Hospital's main focus is on patient care, not Finances. Plans are already being made to improve the hospital's rating. The hospital will soon have a new, ER, lab, X ray and physical therapy departments, and new patient rooms.

It is with this, Mr. Speaker, that I say congratulations to Shelby Memorial Hospital on their excellent accomplishment. Due to the hospital's excellence in serving its community, it is clear that Shelby Memorial Hospital is an asset to Illinois and our nation's health care system.

## RECOGNIZING THE CENTRAL MASSACHUSETTS SYMPHONY ORCHESTRA

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. McGOVERN. Mr. Speaker, Today I rise to recognize the Central Massachusetts Symphony Orchestra as they present the 50th consecutive season of Summer Family Concerts during July at East Park and Institute Park in Worcester, Massachusetts. These concerts, founded by the late Harry Levenson, and his wife Madelyn have always been, and will always be admission-free to the public. Madelyn continues to play a major role in all of the programming, and their son Paul Levenson serves as the Executive Director.

Over the years, the concerts have attracted over 1,000,000 residents and visitors to these performances. The fine classical and pops repertoire is now playing to the third generation of concert-goers. The concerts have become a beloved New England tradition at which all segments of the community, all neighborhoods, and all backgrounds can come together for alfresco entertainment. While walking home past Institute Park, Harry and Madelyn Levenson envisioned an outdoor summer concert. Today neighbors and neighborhoods in the All-American City of Worcester enjoy the fruits of their inspiration on a snowy Worcester evening in 1951.

I am sure my colleagues join me in celebrating a fine Worcester tradition.

## IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE ENCHANTED HILLS CAMP

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the Rose Resnick Lighthouse for the Blind and Visually Disabled and the 50th Anniversary of its Enchanted Hills Camp.

The Rose Resnick Lighthouse is the most comprehensive program and advocacy agency serving the blind and visually impaired community in the San Francisco Bay Area. The Enchanted Hills Camp, located in the Napa County foothills, provides the blind with the opportunities of a traditional summer camp, combined with peer support, role models and a philosophy that encourages self-confidence and development.

The Enchanted Hills Camp promotes independence, equality, and self-reliance through rehabilitation training and services such as access to employment, education, government, media, recreation, transportation and the environment. Approximately 120 individuals enroll in the camp each summer, which offers activities for children in elementary through high school, as well as adults and multi-disabled persons. Campers participate in activities ranging from hiking, horseback-riding, and other sports to arts and crafts projects and campfire conversations.

This summer will mark 50 years of camp at Enchanted Hills. Three events are scheduled for counselors and campers to celebrate the 50th Anniversary—an Alumni Retreat, Counselor Reunion, and a 50th Anniversary Party. The Retreat is for adults who attended the camp between 1950 and 1995 and the Counselor Reunion is open to all counselors, camp maintenance and kitchen staff, volunteers, and interns who worked between 1950 and 1995. The 50th Anniversary Party will take place June 25, complete with music, a BBQ lunch, and other special activities.

Mr. Speaker, it is appropriate at this time that we acknowledge the Rose Resnick Lighthouse and the Enchanted Hills Camp for providing visually impaired individuals with vital services and camp memories to last a lifetime. Congratulations to the Enchanted Hills Camp on its 50th Anniversary.

## TRIBUTE TO THE NORTH ALABAMA VETERANS OF THE KOREAN WAR

### HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to the veterans of the Korean War who now reside in North Alabama. These brave men and women who boldly served their country across the ocean 50 years ago deserve our recognition and our gratitude. This coming Saturday in Huntsville, Alabama, our area veterans, their families and the Korean-American community will be honored at a Huntsville Stars baseball game.

As this nation at large begins its three-year remembrance of the 50th anniversary of the Korean War, the Redstone-Huntsville AUSA Chapter 3103 has been designated by Secretary Cohen as a Commemorative Community. I believe this distinction reflects the patriotic history of North Alabama and Redstone Arsenal and acknowledges the sacrifices this community has made in the defense of the United States and its freedoms.

Many people refer to the Korean War as ''The Forgotten War'', but I would like to take this opportunity to thank those in my community who are going to extraordinary efforts to ensure that the Korean War and its veterans are not forgotten. I would like to extend my appreciation to Jim Rountree, the chairman of the commemoration committee, Robert Mixon, Jr. and Ed Banville. I also want to recognize the Grand Marshal of the anniversary festivities, Major General Grayson Tate, a Purple Heart veteran who nearly lost his leg in the battles for democracy and peace that took place 50 years ago in Korea.

On behalf of the Congress of the United States, I thank the veterans and families of the Korean War and those in my community who are working hard to see them properly honored. We can never afford to forget their victories and their sacrifices lest we take for granted the precious freedoms we enjoy every minute of every day. I would like to extend my best wishes to them for a memorable Saturday baseball game.

## HONORING THE 100TH BIRTHDAY Of SAMUEL R. BACON

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. GORDON. Mr. Speaker, today I wish a happy 100th birthday to Samuel R. Bacon of Cookeville, Tennessee. Mr. Bacon is a remarkable man who has lived a successful and rewarding life. He will turn 100 on July 1, 2000.

Reared on a dairy farm just outside of Baltimore, Maryland, Mr. Bacon graduated from the University of Maryland and went to work as a soil scientist. He eventually went to work for the United States Department of Agriculture and traveled the entire nation putting his experience and abilities to good use for a number of communities. After 35 years at the USDA, Mr. Bacon went into business distributing key chains, small tools and the like to about 400 stores. At the age of 91, he finally retired from that second career.

Mr. Bacon and his wife, Reba, now deceased, shared their good fortune with the Cookeville area throughout the years. They contributed to more than 30 charities, and through Mr. Bacon's support, Reba was able to establish an art league in Cookeville. Thanks to the generosity and support of the Bacons, the Cumberland Art Society has flourished into an integral part of the community. Always wanting to help his community, Mr. Bacon delivered Meals on Wheels to the elderly and disabled until he was 98.

An example of this man's extraordinary fortitude was the time he walked, at the age of 74, from Lebanon, Tennessee, to Monterey, Tennessee, a distance of nearly 70 miles. Asked why he wanted to walk such a distance at that age, Bacon replied, ''I just wanted to see if I could do it.'' I congratulate Mr. Bacon for his tremendous contributions to the country and to his fellow man.

## TRIBUTE TO ROY BRAUNSTEIN

### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. CLAY. Mr. Speaker, I would like to take this opportunity to congratulate APWU Legislative Director Roy Braunstein on a special achievement of 20 years as a National Legislative Officer.

Roy was first elected in 1980 as the APWU Legislative Aide, and was elected Legislative and Political Director in 1992. He has been elected eight times by the APWU membership. The American Postal Workers Union AFL–CIO has more than 350,000 members in every city, town and hamlet in the United States and is the world's largest postal union.

Before he came to Washington, D.C. in 1980, Roy was active in the New Jersey

Shore Area Local where he served as Legislative Director and Shop Stewart. He was also the New Jersey State APWU Legislative Director and Editor. He served in community affairs as a member of the Barnegat, New Jersey Board of Education for three years and as a member of the Ocean County New Jersey Mental Health Board.

In Washington, Roy serves as a lobbyist for the union and has worked on a number of issues important to the membership. During his tenure at APWU, I worked closely with Roy in securing passage of the Hatch Act Reform, legislation which I authored granting greater political freedom for postal and federal employees. Roy also played a key role in the eight-year battle for the Family and Medical Leave Act which President Clinton signed into law in 1993.

Over the years, Roy has worked diligently to help win passage of the Federal Employees Retirement Act, the Spouse Equity Act, the Postal Employees Safety Enhancement Act, the Veterans Employment Opportunity Act and many other legislative initiatives to help working families.

Roy has fought to protect the viability of the Postal Service. He has been a leader in the fight against Postal Privatization, and the movement to take the Postal Service off-budget during the 1980's in an effort to stop congressional attacks on the Postal Service. APWTU is an affiliate of the AFL–CIO and Roy has worked closely with other labor leaders for the goals of this nation's working men and women.

Roy's wife of 32 years, Marilyn, is also an APWU member and they are the proud parents of two young men, Rick and Daniel. He has an A.A. Degree from Kinsborough Community College in Brooklyn, New York, and a B.A. Degree from Richmond College in Staten Island, New York.

Mr. Speaker. I am very pleased to join in recognizing the very special achievements of Roy Braunstein, whom I have known throughout his career in Washington by virtue of my previous capacity as Chairman of the House Post Office and Civil Service Committee and my current role as Ranking Democratic Member of the House Education and Work Force Committee. APWU is wellserved to have Roy Braunstein representing their Union before the Congress of the United States.

## AFRICAN DIAMONDS

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. NADLER. Mr. Speaker, I submit the enclosed statement into the RECORD.

STATEMENT OF ELI HAAS, PRESIDENT, DIAMOND DEALERS CLUB

(For the hearing on Africa's Diamonds: Precious, Perilous Too? By the Subcommittee on Africa, Committee on International Relations, U.S. House of Representatives, May 9, 2000)

On behalf of the Diamond Dealers Club we welcome this opportunity to present this statement on ''Africa's Diamonds: Precious, Perilous Too?''

The Diamond Dealers Club is a trade association of close to 2,000 diamond dealers, brokers and manufacturers. Conceived in 1931, we have since our beginning been located in New York City. Our members come from more than 30 different countries and import the overwhelming percentage of diamonds that enter the United States. Pursuant to our By-Laws, we early recognized that a key goal of our organization is ''to cooperate with governmental agencies.'' This statement is presented with that goal in mind.

The tragic consequences of the use of diamonds to finance civil wars in Africa, particularly Angola, have in recent months received considerable public and private attention both in the United States and worldwide. The focus of the articles, discussions and meetings on this subject is that diamonds have been used by rebels to pay for weapons in Angola, Sierra Leone and Congo, weapons that have led to the deaths and amputations of limbs of tens of thousands of innocent victims of these conflicts.

Two years ago the United Nations Security Council adopted a resolution that prohibited the purchase of diamonds from UNITA forces in Angola. Endorsed by the United States, these sanctions prohibit nations from the ''direct or indirect import from Angola'' to their territory of all diamonds that are not controlled through certificates provided by Angola's recognized government.

The resolution's basic objective was that without funds generated by such sales the rebel forces led by Jonas Savimbi would no longer be able to continue the campaign of terror and rebellion against Angola's government. Since then, the UN Security Council Committee on Angola, chaired by Canadian Ambassador Robert Fowler, issued a report in March 2000 which found that the UN sanctions are frequently violated.

According to the UN report, UNITA's military activities are sustained by its ''ability to sell rough diamonds for cash and to exchange rough diamonds for weapons.'' The investigation of UNITA'S diamond sales led by the former Swedish ambassador to Angola implicated the presidents of Togo and Burkina Faso as involved in the illegal trading operations with Mr. Savimbi's forces. It also concluded that Bulgarians were shipping arms to UNITA and that the Antwerp diamond industry played a role in the illegal trade.

Several months before the March report, Ohio Congressman Tony Hall, a person long devoted to human rights causes and combating world hunger, introduced in the U.S. House of Representatives the ''Consumer Access to a Responsible Accounting of Trade Act (CARAT)'' a bill mandating that any diamond ''sold in the United States'' that retails for more than $100 be accompanied by a certificate stating the name of the country in which the diamond was mined. According to the Congressman this would encourage consumers to ''participate in a global human rights campaign'' thus removing the financial support for some of Africa's civil wars.

We feel that Congressman Hall's bill has the worthwhile purpose of protecting innocent people caught in brutal internal conflicts. Each of us has seen photos of the frightened victims of these conflicts, victims who may have been killed or had limbs amputated simply because they were in the path of maniacal, well-armed thugs (often teenagers). All of us deplore these acts of terrorism.

Unfortunately for the innocent victims of these ongoing conflicts, the Hall proposal, however well-intentioned, would neither lead to the successful implementation of the UN sanctions nor end the ongoing civil wars and the concomitant deaths of innocent civilians. Rather, it would harm the diamond industry worldwide and have serious negative implications for stable and developing countries in southern Africa.

Even if enacted and implemented, the Congressman's proposal would have but negligible impact on the UN sanctions. Diamonds are fungible and tens of millions of them are mined annually. No organization in existence today is qualified to certify that a stone sold in Rwanda was not mined in Angola, two nations which share a porous border several hundred miles long. Furthermore, rampant corruption and fraud easily leads to the fraudulent certification of stones from rebel areas—something which Ambassador Fowler's report documents.

Moreover, mandating that certificates accompany all diamonds ''retailing'' for more than $100 would mean that tens of millions of certificates would have to be issued annually. The record keeping for this task would be monumental and costly and would inevitably harm the retail jewelry industry which is dominated by small businesses. It is also important to understand that De Beers, the company that sells most of the world's rough diamonds reported that it no longer purchases any from conflict areas. In March it announced that it would henceforth provide written guarantees that its diamonds do not originate with African rebels.

While there is some discussion of the development of a technology to come up with identifying marks or fingerprints to determine particular countries of origin of diamonds, no such technology is currently available. Indeed, even those involved in this research and development report that at best success is years away. Furthermore, even if country of origin was determinable, it would still not indicate whether a diamond comes from mines in government-held territory or from rebel-held mines.

In fact the proposed legislation would penalize and have a harmful impact on legitimate and responsible African producers of diamonds such as Botswana, Namibia and South Africa. In these countries diamonds provide the engine for economic growth and account for a substantial percentage of the gross domestic product. Diamond production has been so successful for Botswana that it now has one of the most rapidly growing economies in the world.

In South Africa, former President Nelson Mandela has expressed concern that his nation's vital diamond industry is not damaged by ''an international campaign.'' Surely, the U.S. Congress does not wish to retard economic development in friendly developing countries because it is fueled by diamonds. In fact, this ''unintended consequence'' would follow from this legislation.

The American diamond and jewelry industry is united in both its abhorrence of terrorism in the Congo, Sierra Leone and Angola and in support of the UN sanctions regarding the latter. To successfully keep conflict diamonds out of the world diamond market we believe the problem must be attacked at the source. We feel that the efforts of the international community should be concentrated on the small number of firms and individuals who are actively engaged in helping illicit diamonds enter the mainstream of the legitimate diamond commerce. The international community has already achieved significant positive results with its efforts to cast light on firms, individuals and countries involved in trading with the rebel

forces. While the portability of diamonds means that some stones from conflict areas will continue to enter the world economy, a greater international effort can reduce this to a minimum.

Members of the organized diamond community, including the close to 2000 member Diamond Dealers Club in the United States, strongly oppose the sale of diamonds that do not comply with the UN resolution. Indeed, in July 1999, months before the current media attention, the DDC's Board of Directors went on record in support of the UN sanctions prohibiting our members from trading in diamonds which do not comply with the position taken by the UN and the U.S. government.

While the above is important in preventing the sale of unlicensed diamonds, to be truly effective we believe it is necessary to initiate a proactive approach, one that will encourage stability, accountability and transparency. More specifically, we must establish a direct relationship between African diamond mining nations and the American diamond cutting industry. This means that the American diamond industry should be able to deal directly on a business-to-business basis with African diamond producing nations to purchase stones that have been licensed for export by legitimate governments. In doing so we would pay the world market price, a price which is substantially above the payments received for diamonds that are now being used to contribute to the internal conflicts.

One other major advantage of this proposal is that the transparency and accountability which is the hallmark of the American industry's style of operation surely would lead to a decline in corruption and other illegal activities. This would result in fewer stones sold through either ''leakage'' or other unauthorized sources as well as reduce the corruption that is often associated with diamond commerce in several producing nations.

The benefit to African diamond producing nations is clear. With U.S. government involvement, the American diamond industry would also benefit since the establishment of a direct pipeline would play a significant role in overcoming the current shortage of rough diamonds. In turn, this would revitalize our cutting and polishing industry.

Ultimately, we believe that our proposal represents a win-win situation for the American diamond industry and the diamond producing nations of Africa. Instead of diamonds being used to finance internal conflicts and the death and destruction of innocent civilians, they would become—as is already the case in the other African nations—a major opportunity for gainful employment for tens of thousands of people and a major source for economic development in the diamond producing nations of Africa. At the same time, diamonds would strengthen the American industry, thereby providing new opportunities for employment, and tax revenues.

## TRIBUTE TO THE DEL VALLE FAMILY

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. SERRANO. Mr. Speaker, today I pay tribute to the ''The Puerto Rican Family of the Millennium,'' the Del Valle Family. Telesforo del Valle, Sr., Rafaela Leon del Valle and Telesforo del Valle, Jr., were honored on Wednesday, June 7 by the National Puerto Rican Day Parade of New York, GALOS Corp. of New York and Puerto Rico and Manhattan Valley Senior Center.

Telesforo del Valle, Sr., was born in Aguadilla, Puerto Rico, in 1908. He moved to Brooklyn before moving to ''El Barrio'' in Manhattan. He was a guitarist and a composer and in 1932 he became a member of a musical group called ''Trio del Valle''. In 1941, while studying law, he joined the National Guard and Civil Defense. In 1945 he made history as the first Puerto Rican elected Councilman at Large in the City of New York. He was also the first Hispanic candidate to form his own political party. In 1948 he became the first Hispanic from New York to run for the United States Congress.

Mr. Speaker, in 1958 Telesforo, Sr., and his wife Rafaela Leon del Valle, who was born in the town of Guarbo, Puerto Rico, formed an organization known as ''Loyal Citizens Congress of America, Inc.''. They established offices in Manhattan, Brooklyn and the Bronx. They organized the first military troop of Hispanic cadets in New York and New Jersey to prevent and combat juvenile delinquency. A major goal of the organization was to provide guidance to workers and to intervene in labor disputes.

Loyal Citizens Congress of America had over a thousand members who were knowledgeable on the political and electoral systems. With their support, Telesforo, Sr., was appointed by New York Governor Nelson Rockefeller to be his campaign director in the Hispanic communities of New York State. Rockefeller won the Latino vote by 85 percent. It was the first time the Republican Party ever won in East Harlem.

In 1985, Mr. And Mrs. Del Valle were recognized with the ''Valores Humanos'' award. Mrs. Del Valle was honored by the newspaper ''El Diario'' of New York as the most prominent feminist in the State of New York. Their son, Telesforo del Valle, Jr., Esquire, is a criminalist who has followed in their footsteps and whose career and achievements are great sources of pride for them.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the ''The Puerto Rican Family of the Millennium,'' the Del Valle Family.

## NEW TRIAL FOR GARY GRAHAM

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. TOWNS. Mr. Speaker, I rise today to raise an issue of great importance to society's guarantee of due process and fairness to all of our citizens. As you all know we are less then two days away from executing a potentially innocent man, Gary Graham. There is a great weight of evidence, still unheard by a Texas court, that could establish his innocence. The evidence that he had an inadequate lawyer is so overwhelming that to put this man to death, without consideration of the evidence that could exonerate him, would be a travesty of justice.

Last week, 34 of my colleagues in the Congressional Black Caucus sent a letter to the Texas Governor, appealing to him to grant Mr. Graham a conditional pardon and the right to a new trial. Mr. Speaker, I insert a copy of this letter into the RECORD at this point. Were the relief we requested granted, Mr. Speaker, the Texas Court would be able to consider this important evidence that could exonerate Mr. Graham.

In a new trial, Mr. Graham's counsel would be able to effectively challenge the only evidence that was used to convict Mr. Graham—the testimony of a single witness. With the assistance of effective counsel, the court would hear that the witness initially failed to identify Mr. Graham at a photo spread the night before she picked him out of a lineup of four people. The Court would also hear that the .22 caliber gun found on Mr. Graham at the time of his arrest was determined by the Police Crime Lab not to be the weapon used in the murder. Further, the Court would hear from four other eyewitnesses mentioned in the police report who said that Mr. Graham was not the shooter.

In addition to this evidence available in the first trial that defense counsel failed to present, the Court would also benefit from ''new'' evidence obtained after the first trial concluded. The court would need to hear this evidence, consisting of statements from at least six eyewitnesses to the incident who affirmed under oath that Mr. Graham did not commit the crime for which he may soon pay the ultimate price. Because prior Texas court rules give persons convicted of a crime only 30 days after their trial to present ''new'' evidence, these exonerating testimonies could not be presented to the Appellate Court for consideration.

Mr. Graham may not be innocent, but as we stand here today we know that he has not been proven guilty beyond a reasonable doubt. We are talking about a man's life, one that cannot be brought back once we have taken it away. If we execute this man without a fair trial it will be an obvious contradiction to everything this country stands for and a dark day in our history.

Mr. Speaker, we have a choice today: we either hold strong to our principles and show that we are truly a nation of justice, or we allow a man to die in the face of strong evidence of his innocence. I urge my colleagues to join me in support of justice, to show that a human life can never take a back seat to politics. In two days we will show that we are truly the greatest country of all time, or we will put our heads down in shame in the realization that a great country, a just country, and a truly democratic country does not yet exist.

CONGRESS OF THE UNITED STATES,
*Washington, DC, June 13, 2000.*

Hon. GEORGE W. BUSH,
*Governor, the State of Texas,*
*Office of the Governor.*

Re Request for Stay of Execution, Grant of Clemency for Shaka Sankofa, formerly known as Gary Graham

DEAR MR. GOVERNOR: As you are aware, time is quickly running out before the June 22, 2000, scheduled execution of Gary

Graham, also known as Shaka Sankofa. Based upon our understanding of the facts and merits of the case, as well as the ineffective counsel Mr. Sankofa received at trial, we believe that it would be a severe miscarriage of justice for his execution to proceed. Therefore, we are writing to request that you grant an immediate stay of Mr. Sankofa's execution, as your predecessor, Governor Ann Richards, did in 1993.

We feel strongly that it is altogether appropriate for you to grant the stay of execution for Mr. Sankofa to give your office and the Texas Board of Pardons and Paroles time to approve Mr. Sankofa's clemency petition. As is clear from reviewing the history of this case, which is set forth in detail in Mr. Sankofa's clemency petition, Mr. Sankofa received grossly ineffective counsel at his two-day capital trial. Throughout the recent history of Texas capital cases, there is perhaps no situation like this, where a young man is sentenced to die based entirely upon the testimony of one witness—with absolutely no corroborating evidence. We must not ignore the fact that officers investigating the shooting never recovered any physical evidence or corroborating witness testimony linking Mr. Sankofa to the shooting.

Whether Mr. Sankofa received ineffective assistance of counsel is hardly a dispute. Mr. Sankofa's trial lawyer failed to use any of the key witnesses who were available at the trial to rebut the testimony of the prosecution's only witness—indeed, their only evidence—to tie him to the crime. A reasonably competent attorney would have called witnesses, like Ronald Hubbard, who would have directly rebutted the prosecution's evidence by testifying that Mr. Sankofa did not resemble the gunman. Had Mr. Hubbard's testimony been received into evidence, the jury or a later appeals court would have had a factual basis, at the very least, to determine that Mr. Sankofa should not be executed.

Furthermore, at trial, Mr. Sankofa's attorney did not even seek to impeach the testimony of the prosecution's lone witness, Bernadine Skillern. Mr. Sankofa's lawyer was negligent in not pointing out to the trier of fact that Ms. Skillern failed to positively identify Mr. Sankofa in a photo array shown to her the night before she finally identified him in a lineup with four different men in the lineup. Mr. Sankofa's lawyer did not introduce a police report saying that Ms. Skillern focused on Mr. Sankofa's photo but declined to positively identify him, saying the shooter had a darker complexion. A competent attorney would have used this information to establish a foundation for impeaching Ms. Skillern's testimony—the only evidence of any kind linking Mr. Sankofa to the murder.

In fact, a reasonably competent attorney would have realized that Mr. Hubbard's testimony alone would have seriously undermined a finding that the prosecution met its burden to present clear and convincing evidence establishing guilt beyond a shadow of a doubt with the scant evidence it offered. Clearly, directly conflicting witness testimony raises a legally significant doubt about a person's guilt. Mr. Sankofa's counsel's failure to offer this evidence is inexcusable neglect. As the clemency petition shows, there are many other instances of ineffective assistance of counsel, which do not need to be set forth again here. The pattern of negligence of Mr. Sankofa's trial lawyer is well established, and Mr. Sankofa should not pay with his life for his attorney's many mistakes.

Unfortunately, simply failing to call important witnesses to testify at trial was not the end of Mr. Sankofa's lawyer's negligence. Because prior Texas court rules gave persons convicted of a crime only 30 days after their trial to present ''new'' evidence, Mr. Sankofa's subsequent counsel, retained in the mid-1990s, were not permitted to offer exonerating testimony to appellate courts. Specifically, these attorneys obtained statement from at least six witnesses to the incident who affirmed under oath that Mr. Sankofa did not commit the crime for which he may soon pay the ultimate price. Therefore, Mr. Governor, we request you to weigh all the evidence that is available to you, which could not be considered by the courts, and ensure that justice is done by preventing his execution and granting him a conditional pardon and the right to a new trial.

Mr. Governor, what we have here is a very compelling case for granting Mr. Sankofa clemency. Unfortunately, we are concerned that the merits of his petition may get overlooked in the current atmosphere of your candidacy for the Office of the President of the United States. The life of an innocent man may be at stake, and politics must not be allowed to cause a miscarriage of justice that can never be undone. For the foregoing reasons, we respectfully request you to grant an immediate stay of Mr. Sankofa's execution, and work with the Texas parole board to approve his petition for clemency.

Thank you for your consideration of this request. Please feel free to contact Jeffrey Davis, Legislative Counsel, in Congressman Towns' office should you need any additional information.

## HONORING JUDGE JOE FISHER

### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. LAMPSON. Mr. Speaker, I rise today in great sadness to honor Judge Joe Fisher, who passed away yesterday, June 19th. Judge Fisher was a remarkable man who was committed to his community, his country, and above all, his family.

Judge Fisher received his law degree from the University of Texas in 1936 and was appointed by Dwight D. Eisenhower as a U.S. District Judge in 1959. Following his appointment many of his rulings set legal precedents.

In 1972, he ruled for the first time that manufacturers of asbestos that didn't warn workers of the potential dangers could be held liable and awarded a family $79,000 in damages. The case went all the way to the Supreme Court and is still the basis for law today. The first desegregation plan for Beaumont was drafted by Judge Fisher in 1970 after the U.S. Justice Department ordered the integration of the South Park school district in Beaumont.

Always a man who believed in equality and justice, in 1994 Judge Fisher struck down the Klu Klux Klan's attempt to adopt a highway as part of a state highway cleanup program. He was a man of great courage he wrote in his decision that members only applied ''as subterfuge to intimidate those minority residents * * * and discourage further desegregation.''

After he retired from active duty in 1984, he continued to work full time as a senior judge and continued to hear a substantially full caseload up until two weeks before his death. His impact on the community could be felt outside the court room as well. Judge Fisher contributed to the Salvation Army and the YMCA.

He was of the utmost character, and his attributes of selflessness and commitment to others are rare gifts that this nation was lucky to have. Judge Fisher was a man who served his country as a Federal Judge with great pride and devotion. He often thought outside the box to make sure that his decisions were fair and honorable.

His work was part of the fiber of Southeast Texas, and with his passing a great loss will be felt in the spirit and the heart of our community. Today, as an American we lost a great jurist, but as a Congressman I have lost a mentor and a friend.

## FAITH BASED LENDING PROTECTION ACT

### HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. ROYCE. Mr. Speaker, each day our nation's religious institutions quietly go about performing critical social programs that serve as lifelines to individuals and families in need. Besides providing places of worship, religious institutions also serve their communities by operating outreach programs such as food banks, soup kitchens, battered family shelters, schools and AIDS hospices. To families in need, these programs often provide a last resource of care and compassion.

Yet, in spite of the clear social good that these programs provide to communities across America, we are faced with the growing reality that religious institutions are finding it increasingly difficult to secure the necessary capital resources at favorable rates that enable them to carry on this critical community work.

Mr. Speaker, I stand before you today to introduce legislation that I believe will help ensure that religious institutions have available all the financial resources necessary to carry out their missions of community service. The ''Faith-Based Lending Protection Act,'' which enjoys bipartisan support, seeks to amend the Federal Credit Union Act by clarifying that any member business loan made by a credit union to a religious nonprofit organization will not count toward total business lending caps imposed on credit unions by federal law.

Each year credit unions loan millions of dollars to nonprofit religious organizations, many located in minority and/or lower income communities. Historically, these loans are considered safe and help sustain critical social outreach programs. Without legislative action, Mr. Speaker, these religious institutions will find it increasingly difficult, if not impossible, to secure the necessary funds under favorable terms to allow them to continue their work. I urge my colleagues to join me in this legislative effort.

## INTRODUCTION OF THE INTERNATIONAL ANTI-CORRUPTION AND GOOD GOVERNANCE ACT OF 2000

### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. GEJDENSON. Mr. Speaker, I rise in support of the International Anti-Corruption and Good Governance Act of 2000, legislation I introduced today to make combating corruption a key principle of U.S. development assistance.

This bill will help to accomplish two objectives of pivotal importance to the United States. By making anti-corruption procedures a key principle of development assistance, it will push developing countries further along the path to democracy and the establishment of a strong civil society. Moreover, by helping these countries root out corruption, bribery and unethical business practices, we can help create a level playing field for U.S. companies doing business abroad.

According to officials at the U.S. Department of Commerce, during the past five years, U.S. firms lost nearly $25 billion dollars-worth of contracts to foreign competitors offering bribes.

Bribery impedes trade and hurts our economic interests by providing an unfair advantage to those countries which tolerate bribery of foreign officials. By making anti-corruption procedures a key component of our foreign aid programs, this bill will help those countries to set up more transparent business practices, such as modem commercial codes and intellectual property rights, which are vital to enhancing economic growth and decreasing corruption at all levels of society.

My bill requires U.S. foreign assistance to be used to fight corruption at all levels of government and in the private sector in countries that have persistent problems with corruption—particularly where the United States has a significant economic interest.

The United States has a long history of leadership on fighting corruption. We were the first to criminalize international bribery through the enactment of the Foreign Corrupt Practices Act of 1977. Moreover, United States leadership was instrumental in the passage of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transacations. Enactment of this bill would be a logical next step.

Corruption is antithetical to democracy. It chips away at the public's trust in government, while stifling economic growth and deterring foreign economic investment. In addition, corruption poses a major threat to development. It undermines democracy and good governance, reduces accountability and representation, and inhibits the development of a strong civil society.

This bill takes a comprehensive approach to combating corruption and promoting good governance. By outlining a series of initiatives to be carried out by both USAID and the Treasury Department, the legislation addresses the political, social and economic aspects of corruption.

As the largest trader in the global economy, it in the United States' national interest to fight corruption and promote transparency and good governance. Not only does it help to promote economic growth and strengthen democracy, but it helps to create a level playing field for U.S. companies that do business overseas.

## ACKNOWLEDGMENT OF THE KEELY JARDELL SCHOOL OF DANCE

### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. NICK LAMPSON. Mr. Speaker, today I rise to recognize the outstanding accomplishment of the young ladies of Keely Jardell's School of Dance in Nederland, Texas. The school consists of approximately 500 students from throughout the area of southeast Texas ranging from ages six to eighteen years of age. The school focuses not only on dancing, but also on the importance of discipline and character. In addition to studying in the Jardell School of Dance, the students also participate in academic, athletic, and religious activities within the community. Practicing 12–15 hours a week, these young ladies have demonstrated an ability to balance their responsibilities and excel in them with grace. Lessons like these give the students of the Keely Jardell School of Dance skills that will be invaluable to them as they encounter challenges in their futures. These young ladies serve as role models to their peers and to members of the community as well.

Recently, sixty-nine of these students participated in regional competitions in Baton Rouge, Lousiana, in Houston, and across the state of Texas. Members of the team devoted countless hours to perfecting their craft; their efforts have payed off. At regional competitions, the school was awarded the highest score, judge's choice, choreography, overall high score, and spirit awards. Their outstanding performances at the regional level has qualified them for the National Competition in San Antonio, Texas this summer. The prestige of the school and its talented performers is known well throughout the nation. In late 1999, an invitation was received inviting the girls to perform in Washington D.C. and in New York City during the month of July, 2000. The members of the school have graciously honored the request and will be performing Sunday July 2nd at 5:30 p.m. at the Post Office Pavilion, here in Washington. I urge all who have the opportunity to enjoy a truly amazing show worthy of your time.

After the appearance in Washington, the performers will attend special dance classes at the Broadway Dance Center in New York City. Numerous fund-raisers and community events are being staged to defray the expenses of the trip. It has been a total commitment of all involved, but well worth the work. The members of the Keely Jardell School of Dance have relentlessly committed themselves to perfecting their talents in preparation for the National Competition.

Mr. Speaker, I am privileged to have the honor of commending the students of the Keely Jardell School of Dance on their astounding achievements and abilities. Young people such as these should serve as examples to America of the extraoridinary breed of leaders it can expect in its future. These young ladies deserve our attention, support, and best wishes as they demonstrate the remarkable product of their labor and talent.

## 50TH BIRTHDAY OF THE MANCHESTER, NH, VETERANS ADMINISTRATION MEDICAL CENTER

### HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. SUNUNU. Mr. Speaker, I rise today to pay tribute to the Manchester VA Medical Center, located in New Hampshire's First Congressional District, on the occasion of the Hospital's 50th birthday, July 2, 2000. This outstanding facility continues to provide exemplary health care to thousands of veterans who have served America with distinction and honor. As the hospital celebrates its 50th year, I hope we will also take a moment to reflect on the service and sacrifice of those service men and women. The devoted staff of the Hospital, including Public Relations Director Paul Lamberti who provided me with an extensive historical background of the Center, also deserves special thanks and appreciation for their dedication to the health care of our veterans.

The establishment of the Manchester VA Medical Center began at the conclusion of World War I with the World War Veterans' Legislation Subcommittee on Hospitals' recommendation that the New Hampshire project be funded. Congressman Fletcher Hale followed suit with legislation seeking Presidential approval for the construction of a facility to treat veterans throughout northern New England. Specifically, the measure called for ''a modern, sanitary, fireproof, two-hundred bed capacity hospital plant for the diagnosis, care, and treatment of general and medical and surgical disabilities and to provide Government care for the increasing load of mentally afflicted veterans regardless of whether said disability developed prior to January 1, 1925, at a cost not to exceed $1,500,000.''

Final legislative approval came in 1945, and in 1946, after the end of World War II, the United States Government acquired a parcel of land, previously owned by Governor Frederick F. Smyth, that would become the site for the Hospital. Smyth served from 1866 to 1880 on the Board of Managers of the National Home for Disabled Volunteer Soldiers and was well acquainted with the needs of veterans everywhere. The Smyth Tower, the replica of a famous Scottish lookout, can be found on the grounds today. The structure was erected by Smyth in 1888 and is named as an Historic Site on the National Register.

Construction of the VA Medical Center began in 1948 and two years later, on July 2, 1950, the VA Medical Center was officially dedicated. In the following decade, staff attended to the health care needs of approximately 23,500 patients.

The VA Medical Center joined with Harvard Medical School to become a training facility for surgical residents in the late 1960's and has remained an active teaching hospital for Harvard and Dartmouth Medical School residents. Through the years, students aspiring to become nurses, dentists, physical therapists, physician assistants, occupational therapists, optometrists, medical assistants, dieticians, and pharmacists, have found a diverse clinical experience there.

Recognizing the need to address the long-term residential health care need of aging veterans, the Hospital dedicated a Nursing Home Care Unit in the late 1970's. Expansion continued in 1977 with the groundbreaking for a new Ambulatory Care wing.

Outpatient care became an important priority in the years that followed. Those patients requiring specialty care were previously required to travel to other VA hospitals in the region to receive care. After determining veterans should not have to travel long distances for their care, the staff formed specialty clinics including Orthopaedics, Optometry, Audiology, Neurology, Pain, Ear, Nose, and Throat.

Locally accessible care continues today in the form of Center-sponsored health screenings in local communities throughout the state. The Manchester VA Hospital also serves as a research center for a large number of health care programs. Of note is the facility's Post-Traumatic Stress Disorder research center which has received both national and international recognition for its work.

Although New Hampshire's veterans' population has decreased, their health care needs remain a high priority. These men and women sacrificed a great deal for each and every American and their needs continue to be met today. Community Based Outreach Clinics can be found throughout the state including the communities of Tilton and Newington and future facilities are planned for Lancaster, Conway, Wolfeboro, and Keene.

Through its changes, the VA's importance holds strong with a purpose ''to serve those who have served us well,'' its commitment ''to advocate for the total well-being of veterans,'' and its promise ''to be there when veterans need us.''

## PERSONAL EXPLANATION

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. MORAN of Virginia. Mr. Speaker, on rollcall No. 293, I was unavoidably detained on official business. Had I been present, I would have voted ''aye.''

## PERSONAL EXPLANATION

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. OWENS. Mr. Speaker, yesterday, I was unavoidably absent on a matter of critical importance and missed the following votes:

On the motion that the Committee of Whole House on the State of the Union Rise, introduced by the gentleman from California, Mr. WAXMAN, I would have voted ''yea.''

On the amendment to the rider on H.R. 4635, regarding the use of Veterans' Administration funds for tobacco litigation, introduced by the gentleman from California, Mr. WAXMAN. I would have voted ''yea.''

## PERSONAL EXPLANATION

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. BECERRA. Mr. Speaker, on June 15, 2000 and in the early hours of June 16, 2000, I was traveling to my District, and therefore unable to cast my votes on rollcall numbers 280 through 291. Had I been present for the votes, I would have voted ''aye'' on rollcall votes 281, 283, 284, 285, 286, 287, and 290; and ''nay'' on rollcall votes 280, 282, 288, 289, and 291.

## CONGRATULATING THE LA LAKERS

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate the Los Angeles Lakers on winning the National Basketball Association Championship. As a native of Los Angeles, I could not be more proud of our team's achievement. The Los Angeles Lakers have a history of phenomenal success and great basketball. Yesterday's win was their sixth championship in two decades. The Lakers are stars, and they have dominated the game of basketball. They have made us proud.

## PERSONAL EXPLANATION

### HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Ms. DUNN. Mr. Speaker, I was not recorded on rollcall votes 292 and 293 on Monday, June 19, 2000. Had I been present on Monday, June 19, 2000, I would have voted ''nay'' on rollcall vote 292, a motion to rise offered by Representative WAXMAN. I would have voted ''aye'' on rollcall 293, an amendment offered by Representative WAXMAN, to H.R. 4365, the Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations bill.

I have consistently voted to eliminate government funding for tobacco programs and increase government efforts to reduce the use of tobacco in our society. I will continue to support efforts to keep tobacco companies accountable for the health care costs associated with tobacco related illnesses. In particular, we must continue to educate our children on the hazards of tobacco use and enforce laws that curb underage smoking.

## TRIBUTE TO PANORAMA AND ALEXANDER POLOVETS

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. WAXMAN. Mr. Speaker, my colleague, Mr. BERMAN, and I wish to pay tribute to a remarkable man and his equally remarkable newspaper. In July of this year, ''Panorama,'' The Russian-language newspaper which is the brainchild of Alexander Polovets, will celebrate its 20th anniversary, its 1,000th edition and the 65th birthday of its editor-in-chief, Alexander Polovets.

In 1978 Alexander Polovets started to publish a weekly Russian-language insert in a local Anglo-Jewish newspaper. It met with instant popularity and in 1980 Alexander published the first issue of ''Panorama,'' an independent weekly publication. ''Panorama'' went on to become the largest independent Russian-language weekly outside of Russia and certainly one of the most influential voices in the Russian-speaking community.

''Panorama's'' goal is to provide a forum for original materials of authors, thinkers and public figures in the United States and abroad. Equally important, it serves the needs of the growing Russian-speaking community in the United States. ''Panorama'' offers a unique opportunity to share information about life in the United States, helping to acclimate recent immigrants and to offer a focal point for cooperation within the Russian community.

''Panorama'' has published the works of some of the best known contemporary authors and thinkers, organized and promoted U.S. concerts, and raised important social issues such as welfare reform, immigration, crime and housing. It has featured interviews with prominent national and international figures and most recently it was instrumental in making the 2000 Census campaign a success in the immigrant community.

The publication is used as reference material by hundreds of universities, libraries and social agencies. Its subscribers are worldwide, as is its staff of reporters. It is no surprise that in 1999 Alexander Polovets was named one of the ''100 Most Influential Jews in Los Angeles'' by the authoritative ''Jewish Journal.'' ''Panorama'' is the resource for anyone wishing to reach the Russian-speaking community.

We ask our colleagues to join us in congratulating Alexander Polovets and ''Panorama'' for enriching our community for twenty wonderful years. Happy 65th Birthday to Alexander and best wishes for continued success.

## DR. STUART HEYDT HONORED FOR SERVICE TO GEISINGER

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Dr. Stuart Heydt, who will retire June 30 after 10 years as president and chief executive officer of the Geisinger Health system, which is based in Danville, Pennsylvania. He will be honored at a dinner on June 22.

Dr. Heydt has led the health system during an eventful decade for both Geisinger and health care nationwide. We are all familiar with the changes in health care, such as the rise of managed care and new technologies and treatments. Geisinger itself has undergone tremendous change during this time and appears to be well-positioned for a bright future.

In all my dealings with Stu, I have found him to be a man of the highest integrity, who always made the welfare of his patients his top priority. I consider him to be a friend and a great asset to Pennsylvania.

Dr. Heydt is a maxillofacial surgeon and 27-year employee of Geisinger. He is a native of New Jersey who served active duty in the Navy from 1965 to 1967, followed by five years in the active reserves and an honorable discharge. He received his education at Dartmouth College, Fairleigh Dickinson University and the University of Nebraska. Geisinger hired him in 1973 as director of oral and maxillofacial surgery and since that time, he rose through the ranks to lead this institution that provides quality medical care to people in 31 Pennsylvania counties.

His numerous community activities include serving as president of the Columbia-Montour Boy Scouts Council and on the boards of the Penn Mountains Boy Scouts Council, United Way of the Wyoming Valley, Greater Wilkes-Barre Partnership, Family Service Association of the Wyoming Valley and Bucknell and Wilkes Universities.

Dr. Heydt's awards include the William H. Spurgeon III Award and Distinguished Citizenship in the Community Award from the Boy Scouts of America, the Distinguished Leadership Award from the National Association for Community Leadership and the Distinguished Fellow Award from the American College of Physician Executives.

He resides in Hershey, Pennsylvania, with his wife, the former Judith Ann Fornoff. They are the parents of three grown children.

Mr. Speaker, I am pleased to join the Central and Northeastern Pennsylvania community in honoring Dr. Heydt on the occasion of his retirement. I send my best wishes and my thanks for his hard work.

## IN HONOR OF ROBERT SCHEER

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. KUCINICH. Mr. Speaker, I call to your attention the article written in today's Los Angeles Times by Robert Scheer. It answers the call of those countless generations of Americans who have ceaselessly sung in unison the hymn, "All We Are Saying Is Give Peace a Chance". As John Lennon might say, "Imagine . . ."

[From the Los Angeles Times, June 20, 2000]

'GIVE PEACE A CHANCE'—WHILE THE FOOLS FIGHT ON

(By Robert Scheer)

When it comes to world politics, the best Beatle was right. Last week as the news came in from Pyongyang, I couldn't get the image out of my mind of him at some long ago peace rally singing, ''All we are saying is give peace a chance.'' Not that it didn't seem at times corny and futile trying to keep those little candles from blowing out, but the world peace he was pushing now does, at last, seem to be the happening thing.

What further evidence do we need than that picture of the two Kims from Korea, North and South, holding hands and singing a song of peaceful reunification? Yoko Ono could've written the script. Mark the moment; it represents the triumph of Lennonism. John that is, not Vladimir.

The specter of communism, the threat of violent worldwide revolution died with that Kim to Kim photo, and along with it the Cold War obsessions that have made the world crazy these past 56 years. If the two Koreas, divided by the most heavily fortified military barrier left in the world, can come to terms, what warring parties can't? The message is clear; The threat from this and other ''rogue nations'' can be met far more cheaply with talk, trade and aid than with a $60-billion missile defense systems and other warrior fantasies.

It is time to pay homage to that much maligned arm of pacifists like Dorothy Day, A.J. Muste, David Delinger, Bertrand Russell, Benjamin Spock, Linus Pauling and Martin Luther King, Jr. Merely for insisting that we have a common humanity that can redeem our enemies, they were scorned as dupes and even reviled as traitors.

Some hard-liners thought that as well of Richard M. Nixon when he journeyed to Red China to make peace with the devil that he had done so much to define. Then came Gorbachev and Reagan burying the hatchet that their military advisors preferred be honed. Today, Pete Peterson, a former prisoner of war, sits as the U.S. ambassador in Hanoi, where the prison in which he was held has been turned into a tourist hotel, Soon, we may even have the courage to recognize that the ''threat'' from Cuba has never been more than a cruel joke.

But the lesson that peace is practical has been extended to conflicts beyond the Cold War. The mayhem inspired by those drunk on the potency of their purifying religious, ethnic and nationalist visions continues, but they can smell the odor of their own defeat, The fools fight on in places like Sierra Leone, but the smartest among the world's militant revolutionaries have already abandoned violence for peace.

The PLO and IRA are now partners in peace with their sworn enemies, for which another president—Bill Clinton—deserves much credit. Iran has elected a majority of moderates to run its government; Syria will have a modern new leader who may at last respond positively to the risks that Israel has taken for peace in withdrawing from southern Lebanon, Libya's Moammar Kadafi has surrendered alleged hijackers, and even the Taliban leadership in Afghanistan is now said to be uneasy with the Osama bin Laden gang of terrorists.

Forgiveness of past crimes is far from automatic, and it can be more tempting for demagogues such as Serbia's Slobodan Milosevic to profit from the stoking of hatred than to engage in tedious efforts at reconciliation. But the evidence is overwhelming that peace can prevail even when the historic sense of grievance runs high. The model is Nelson Mandela, who emerged from almost three decades in horrid prisons in South Africa as a true saint of peace, shunning hate and even embracing the jailers who stole most of his life.

Think of Pope John Paul II, who forgave his would-be assassin and travels endlessly to make peace with those who trampled on the religion he holds sacred. Or Egypt's Anwar Sadat and Israel's Yitzhak Rabin, who died at the hands of their own people but whose example in life had been so strong that it lasted beyond their deaths.

So, too, the example of John Lennon, who risked his celebrity and was treated as a fool by a media that dismissed his Eastern pacificism as they once did that of Mohandas K. Gandhi. And King, another Gandhi disciple, who dared to link the civil rights peace movements as a common assertion of humanity and was scorned by the political establishment for it.

There will be other martyrs to the cause of peace, many quite obscure, as those who serve in barely noticed international brigades like the blue-helmeted troops of the United Nations. They stand, sometimes pathetically, against chaos, but in the end, they will be blessed as peacemakers.

Peace works because deep down, it's what people of all stripes want—to make love, not war.

## DEATH PENALTY MISINFORMATION

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. CRANE. Mr. Speaker, I submit a Wall Street Journal opinion piece titled "We're Not Executing the Innocent" for insertion into the RECORD.

There is a lot of misinformation being circulated about the death penalty and Professor Cassell does a good job of setting the record straight.

WE'RE NOT EXECUTING THE INNOCENT

(By Paul G. Cassell)

On Monday avowed opponents of the death penalty caught the attention of Al Gore among others when they released a report purporting to demonstrate that the nation's capital punishment system is ''collapsing under the weight of its own mistakes.'' Contrary to the headlines written by some gullible editors, however, the report proves nothing of the sort.

At one level, the report is a dog-bites-man story. It is well known that the Supreme Court has mandated a system of super due process for the death penalty. An obvious consequence of this extraordinary caution is that capital sentences are more likely to be reversed than lesser sentences are. The widely trumpeted statistic in the report—the 68% ''error rate'' in capital cases—might accordingly be viewed as a reassuring sign of the

judiciary's circumspection before imposing the ultimate sanction.

DECEPTIVE FACTOIDS

The 68% factoid, however, is quite deceptive. For starters, it has nothing to do with ''wrong man'' mistakes—that is, cases in which an innocent person is convicted for a murder he did not commit. Indeed, missing from the media coverage was the most critical statistic: After reviewing 23 years of capital sentences, the study's authors (like other researchers) were unable to find a single case in which an innocent person was executed. Thus, the most important error rate—the rate of mistaken executions—is zero.

What, then, does the 68% ''error rate'' mean? It turns out to include any reversal of a capital sentence at any stage by a appellate courts—even if those courts ultimately uphold the capital sentence. If an appellate court asks for additional findings from the trial court, the trial court complies, and the appellate court then affirms the capital sentence, the report finds not extraordinary due process but a mistake. Under such curious score keeping, the report can list 64 Florida postconviction cases as involving ''serious errors,'' even though more than one-third of these cases ultimately resulted in a reimposed death sentence, and in not one of the Florida cases did a court ultimately overturn the murder conviction.

To add to this legerdemain, the study skews its sample with cases that are several decades old. The report skips the most recent five years of cases, with the study period ostensibly covering 1973 to 1995. Even within that period, the report includes only cases that have been completely reviewed by state appellate courts. Eschewing pending cases knocks out one-fifth of the cases originally decided within that period, leaving a residual skewed toward the 1980s and even the 1970s.

During that period, the Supreme Court handed down a welter of decisions setting constitutional procedures for capital cases. In 1972 the court struck down all capital sentences in the country as involving too much discretion. When California, New York, North Carolina and other states responded with mandatory capital-punishment statutes, the court in 1976 struck these down as too rigid. The several hundred capital sentences invalidated as a result of these two cases inflate the report's error totals. These decades-old reversals have no relevance to contemporary death-penalty issues. Studies focusing on more recent trends, such as a 1995 analysis by the Criminal Justice Legal Foundation, found that reversal rates have declined sharply as the law has settled.

The simplistic assumption underlying the report is that courts with the most reversals are the doing the best job of ''error detection.'' Yet courts can find errors where none exist. About half of the report's data on California's 87% ''error rate'' comes from the tenure of former Chief Justice Rose Bird, whose keen eye found grounds for reversing nearly every one of the dozens of capital appeals brought to her court in the 1970s and early 1980s. Voters in 1986 threw out Bird and two of her like-minded colleagues, who had reversed at least 18 California death sentences for a purportedly defective jury instruction that the California Supreme Court has since authoritatively approved.

The report also relies on newspaper articles and secondhand sources for factual assertions to an extent not ordinarily found in academic research. This approach produces some jarring mistakes. To cite one example, the study claims William Thompson's death sentence was set aside and a lesser sentence imposed. Not true. Thompson remains on death row in Florida today for beating Sally Ivester with a chain belt, ramming a chair leg and nightstick into her vagina and torturing her with lit cigarettes (among other depravities) before leaving her to bleed to death.

These obvious flaws in the report have gone largely unreported. The report was distributed to selected print and broadcast media nearly a week in advance of Monday's embargo date. This gave ample time to orchestrate favorable media publicity, which conveniently broke 24 hours before the Senate Judiciary Committee began hearings on capital-sentencing issues.

The report continues what has thus far been a glaringly one-sided national discussion of the risk of error in capital cases. Astonishingly, this debate has arisen when, contrary to urban legend, there is no credible example of any innocent person executed in this country under the modern death-penalty system. On the other hand, innocent people undoubtedly have died because of our mistakes in failing to execute.

REAL MISTAKES

Collen Reed, among many others, deserves to be remembered in any discussion of our error rates. She was kidnapped raped tortured and finally murdered by Kenneth McDuff during the Christmas holidays in 1991. She would be alive today if McDuff had not narrowly escaped execution three times for two 1966 murders. His life was spared when the Supreme Court set aside death penalties in 1972, and he was paroled in 1989 because of prison overcrowding in Texas. After McDuff's release, Reed and at least eight other women died at his hands. Gov. George W. Bush approved McDuff's execution in 1998.

While no study has precisely quantified the risk from mistakenly failing to execute justly convicted murderers, it is undisputed that we extend extraordinarily generosity to murderers. According to the National Center for Policy Analysis, the average sentence for murder and non-negligent manslaughter is less than six years. The Bureau of Justice Statistics has found that of 52,000 inmates serving time for homicide, more than 800 had previously been convicted of murder. That sounds like a system collapsing under the weight of its own mistakes—and innocent people dying as a result.

## TRIBUTE TO JEAN STRAUSS, WOMAN OF THE YEAR

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding member of my staff and citizen of the Southwest Chicagoland community. This year, Jean Strauss was selected as Woman of the Year by St. Jane de Chantal Parish Ladies Guild in Garfield Ridge. On June 10th, 2000, Jean was honored at the Archdiocesan Council of Catholic Women (CCW) Vicariate V Women of the Year Luncheon, held at the Lexington House in Hickory Hills, Illinois. It gives me great pleasure to inform my colleagues of the great work that Jean performed to deserve this honor. I think that all will agree that she represents the volunteer spirit that has not only helped to make Southwest Chicagoland an exceptional place to live, but our entire nation as well.

Jean Strauss has served St. Jane de Chantal Parish for several years. Besides regularly attending mass, she has held numerous offices and served on various committees. Those who know Jean best say that she volunteers for ''almost everything.'' Specific examples of her philanthropy include volunteering for the American Cancer Society and Kiwanis.

As I mentioned previously, Jean is a valued member of my staff. For four years, she has worked at the 23rd Ward Office in Chicago for Alderman Mike Zalewski, Illinois State Senator Bob Molaro, and myself. In this capacity, she performs numerous important tasks for the 23rd Ward. For example, as a fluent speaker of Polish, Jean helps those in the 23rd Ward who are learning the English language. In addition, she greatly assists disabled senior citizens by picking up and returning their paid utility bills. Thanks to Jean, her co-workers in the 23rd Ward office are almost always likely to have snacks at their disposal and their desks decorated for the holidays.

Perhaps most importantly, Jean Strauss is a devoted wife to her husband Jack. Together, they are the proud parents of Jake and John Strauss. Just recently, she celebrated the birth of her first grandchild—Eric Dawson Strauss. When Jean is not volunteering, one is likely to find her at a local dining establishment, or perhaps pushing her luck at a ''gaming'' enterprise.

Again, I am pleased to congratulate Jean Strauss before my colleagues today. Mr. Speaker, I sincerely hope that Jean will enjoy many more years of service to the Southwest Chicagoland community, and I thank her for many contributions.

## THE POLITICAL AND ECONOMIC FUTURE OF AFRICAN NATIONS

### HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. HILLIARD. Mr. Speaker, I rise today in response to the tragic events in African countries such as Sierra Leone and the Democratic Republic of Congo. I rise, however, Mr. Speaker to highlight a different image of Africa—an image I have witnessed firsthand.

All too often, the only impression of Africa made upon the American public is that of carnage, corruption, and catastrophe, as reported by our country's television and print media. While I recognize that these problems are real and continue to present serious challenges to the social, political, and economic development of African countries, I wanted to highlight some of the success stories from the Continent.

There is a new generation of leaders who hope to make Africa a continent of flourishing democracies. While the Trade and Development Act of 2000, originally the African Growth and Opportunity Act, is a necessary first step in committing ourselves to African success; it by no means signals the end of our walk with

Africa. It is my hope that the Act will serve as an institutional framework for private investors and businesses to develop a meaningful presence within Africa. Ultimately, a private-public partnership is what is needed to provide the political and economic support African nations require to meet the development challenges of the 21st century.

I want to thank you and the rest of my colleagues in the House for your support and partnership with Africa. Mr. Speaker, I submit the following article, published in the May 26, 2000, issue of the Baltimore Sun, for insertion into the RECORD.

AMERICAN COMPANIES CAN DO MORE TO HELP AFRICA

(By James Clyburn, Earl Hillard and Bennie Thompson)

During a recent congressional recess, six congressional delegations went on fact-finding missions to Africa. The number of delegations visiting the continent was no coincidence.

Nor was it inconsequential when the United States used its chairmanship of the U.N. Security Council to make January ''Africa Month'' for the council. President Clinton's recently announced trip to Nigeria in June, the second to Africa in his administration, is a welcome bid to efforts aimed at putting the map of Africa onto the U.S. policy agenda.

The president's efforts are now being supported by members whose views on domestic policy span our political spectrum but who share a commitment to seeing an end to Africa's self-destructive wars and the establishment of an era of peace and prosperity on the continent.

Often, the only images of Africa the American public has the opportunity to see are those of carnage, corruption and catastrophe.

As reports of civil war in Sierra Leone, Eritrea and the Democratic Republic of the Congo continue to grab headlines in America's newspapers, we journeyed to Africa with the hope of highlighting a different image of the continent. Our delegation spent three days in one of the continent's smallest countries, Gambia—made famous by author Alex Haley in his epic saga, ''Roots,'' as the true-life homeland of the novel's hero, Kunta Kinte.

Smaller than any of our individual congressional districts, Gambia is a country of only 1 million people on the west coast of Africa.

The country makes up for its few natural resources with a modern deep-water port and one of Africa's most advanced telecommunications systems. Like many African countries, Gambia is struggling to define itself as a service economy, worthy of Western investment.

During our stay, we were bounced along seemingly impassible roads to isolated villages by our government hosts and saw that the much-vaunted ''services'' did not extend outside the capital city of Banjul. What we were shown was not a whitewash, however, but a stark example of an African country struggling to provide a better future for its people.

Between episodic power outages and seasonal floods, there exists in Gambia a hope and motivation to overcome and succeed. From what we were shown, Gambia can, and may already be, an African success story.

With the construction of many new hospitals and dozens of new schools, including the country's first university, the government of President Yahya Jammeh is succeeding where 30 years of autocratic rule had failed.

However, the technical, financial and educational resources of such countries are quickly exhausted—leaving too many projects incomplete and ideas unrealized.

As the international assistance and debt relief to these countries has stalled in our Congress, or dried up completely, private, non-governmental groups have stepped in to fill the void in implementing essential development programs.

U.S.-based Catholic Relief Services has in place across Gambia, and the rest of Africa, programs that promote the role of women in society, provide HIV education and fund micro-enterprise projects—all programs that formerly were undertaken by the U.S. Agency for International Development. However, these non-governmental organizations are themselves subject to competing congressional finding interests and so, too, remain sorely underdeveloped.

As in our cities, where corporate America has helped fund a rebirth of our inner cities, so, too, can it assist the nations of Africa in their own rebirth.

This notion of ''trade not aid'' is the cornerstone of the African Growth and Opportunity Act that President Clinton signed into law this month and should define the future of U.S. relations with Africa.

Those companies already at work in Africa and with Africans, are now ideally placed to provide the kind of business environment that ultimately creates a peaceful society.

A healthy and educated workforce is not only for good business but for stable and peaceful lives, free of war and poverty, sickness and migration.

As members of Congress, it is our hope and intention to help facilitate these partnerships wherever possible. We have seen the hope of a proud and welcoming people and will implore our friends and colleagues to help Africa keep hope alive.

The three writers are members of the Congressional Black Caucus from South Carolina, Alabama and Mississippi, respectively. Mr. Clyburn is caucus chairman.

## ANNUAL CONGRESSIONAL ARTS COMPETITION PARTICIPANTS HONORED

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 20, 2000*

Mr. FRELINGHUYSEN. Mr. Speaker, once again, I come to the floor to recognize the great success of strong local school systems working with dedicated parents and teachers. I rise today to congratulate and honor 47 outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students participated in the Annual Congressional Arts Competition, ''An Artistic Discovery,'' sponsored by Schering-Plough Corporation. They were recently honored at a reception and exhibit. Their works are exceptional.

Mr. Speaker, I would like to list each of the students, their high schools, and their contest entries, for the official record.

Sarah Louise Podron, Bayley Ellard High School, The Open Window.

Alexis Perry, Bayley Ellard High School, Window of My Soul.

Ed Steiner, Boonton High School, Great Grandfather.

Eileen Mondino, Boonton High School, Tony.

Samanatha Fuess, Boonton High School, The Duck Shot.

Jenny Blankenship, Boonton High School, Untitled.

Allyson Wood, Dover High School, Metamorphosis.

Mike Cicchetti, Dover High School, Still Life.

Jeff Albeck, Dover High School, Charles in Charge.

Jee Hae Choe, Dover High School, Untitled.

Andrew Racz, Hanover Park High School, Self Portrait.

Jean Guzzi, Hanover Park High School, Lost.

Amy Chang, Hanover Park High School, Self Portrait—Amy.

Stephanie Fertinel, Hanover Park High School, Reflections.

Jessica Posio, Livingston High School, Dreamer.

Tricia Lin, Livingston High School, Untitled.

Alexandra Weeks, Madison High School, City.

Lynette Murphy, Madison High School, Vice Versa.

Michael Sutherland, Madison High School, Weather.

Juyoun Lee, Madison High School, Season.

Christopher Butler, Matheny School and Hospital, Untitled.

Faith Stolz, Matheny School and Hospital, Untitled.

Diana Viulante, Montville High School, Flying.

Jimin Oh, Montville High School, Self Portrait.

Elizabeth Mayer, Montville High School, Wishing for Winter.

Matal Usefi, Montville High School, Primal Instincts.

Matthew Schwartz, Morris Hills High School, Self Portrait.

Brooke Purpura, Morris Knolls High School, Self Portrait.

John Fisher, Morris Knolls High School, Self Portrait.

Marion Bezars, Jr., Morris Knolls High School, Pondering.

Kristen Reilly, Mt. Olive High School, Stamped in Stone.

Jonathan Rehm, Mt. Olive High School, Blind Faith.

Rachel Regina, Mt. Olive High School, Phil.

Tanya Maddaloni, Mt. Olive High School, Creation.

Steven Ehrenkrantz, Randolph High School, Untitled.

Alton Wilky, Randolph High School, Whai.

Francesca Oliveria, Randolph High School, Immanis.

Ashleyh Waddington, Randolph High School, Untitled.

Shirley Lewlowicz, West Essex High School, Untitled.

Rachel Glaser, West Essex Senior High School, Untitled.

Joseph Morelli, West Essex Senior High School, Untitled.

Kate O'Donnell, West Essex Senior High School, Irish Heritage.

Austyn Stevens, West Morris High School, Diva.

Kerry French, West Morris Mendham High School, Kassie.

Meghan Buckner, West Morris Mendham High School, Ashley.

Erin Bollinger, West Morris Mendham High School, Self Portrait.

Emily Dimiero, West Morris Mendham High School, Facade.

As you know, Mr. Speaker, each year the winner of the competition will have the opportunity to travel to Washington D.C. to meet Congressional Leaders and to mount his or her artwork in a special corridor of the U.S. Capitol along with winners from across the country. This year, first place went to John Fisher of Morris Knolls High School. Second place went to Emily Dimiero of West Morris Mendham High School. Rachel Regina of Mt. Olive High School was awarded third place. In addition, seven other submissions received honorable mention by the judges, Kerry French, Erin Bollinger, Jimin Oh, Rachel Glaser, Jenny Blankenship, Juyoun Lee and Mario Bezars, Jr.

Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.